2-9-81
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Pages 11501-11654

federal register

Monday
February 9, 1981

Highlights

IMPORTANT NOTICE TO FEDERAL AGENCIES

For information on billing codes required on all documents submitted for publication in the **Federal Register**, see back cover of this issue.

11557 **Federally Assisted Programs** NFAH proposes to amend regulations regarding nondiscrimination in federally assisted programs; comments by 4-10-81

11511 **Hazardous Substances** CPSC exempts certain rigid or semi-rigid writing instruments from the labeling requirements of the Federal Hazardous Substances Act; effective 2-9-81

11509 **Traffic Regulations** DOT/FAA amends regulations regarding Standard Instrument Approach Procedures for operations at certain airports

11501 **Immigration** Justice/INS amends final rule which permits dependents of Canadian government employees assigned to official duty in the United States to be employed without restriction in the United States; effective 6-12-80

11557 **Mineral Leasing** Interior/BLM extends comment period until 2-18-81 on proposed regulations governing mineral leasing in units of the National Park System

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

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11571 Export CITA waives export visa requirement for down-filled apparel; effective 2-9-81

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Chapters, I, II, IX, XVIII, and XXVIII

36 CFR Parts 219 and 223

Postponement of Effective Dates of Certain Final Rules

AGENCY: U.S. Department of Agriculture, Office of the Secretary.

ACTION: Postponement in effective dates of certain final rules.

SUMMARY: USDA is postponing the effective date of previously published final rules to allow additional time for their review.

DATES: Accordingly, the effective date of each of the final rules listed below is delayed until March 30, 1981.

FOR FURTHER INFORMATION CONTACT: James Michael Kelly, Acting General Counsel, OGC, Room 2043S, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7219.

SUPPLEMENTARY INFORMATION: The President has directed that to the extent permitted by law, The Department of Agriculture postpone until March 30, 1981, the effective date of all regulations which have been promulgated in final form, with a scheduled effective date between January 30 and March 29, 1981. This delay will allow time for further review of the affected final rules to assure their appropriateness.

Accordingly, the effective date of each of the following final rules is delayed until March 30, 1981.

Agency abbreviation and regulation title	CFR designation	Date published	FR page	Effective date	
				Original	Revised
AMS—Cotton Classification Under Cotton Futures Legislation; Action to Rescind Removal of Augusta, Ga., from List of Bona Fide Spot Cotton Markets.	7 CFR 27	1/14/81	3203	2/13/81	3/30/81
FmHA—Revision and Redesignation of Section 502, Rural Housing Loan Policies, Procedures and Authorizations.	7 CFR Chap. XVIII	1/19/81	4661	3/20/81	3/30/81
FNS—Commodity Supplementary Food Program	7 CFR 247	1/21/81	6338	2/20/81	3/30/81
FNS—State Plans of Operation and Operating Guidelines.	7 CFR 272 and 274	1/21/81	6310	2/20/81	3/30/81
FNS—Food Stamp Program—Sanction/Incentive Systems.	7 CFR 271, 272, 275, 277	1/23/81	7257	2/23/81	3/30/81
FS—National Forest Timber Sales; Export and Substitution Restrictions (also correction).	36 CFR 223	12/5/80	80526	2/3/81	3/30/81
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FS—National Forest System Land and Resource Management Planning.	36 CFR 219	1/23/81	7327	2/23/81	3/30/81
FSQS—Voluntary United States Standards for Grades of Frozen Brussels Sprouts.	7 CFR 2852	1/16/81	3824	2/17/81	3/30/81

Dated: February 5, 1981.

John R. Block,
Secretary.

[FR Doc. 81-4005 Filed 2-6-81; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Employment of Dependents of Canadian Government Employees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the Immigration and Naturalization Service regulations to reflect the formalized agreement between the Department of State and the Embassy of Canada which permits dependents of Canadian government employees assigned to official duty in the United States to be employed without restriction in the United States

EFFECTIVE DATE: June 12, 1980.

FOR FURTHER INFORMATION CONTACT:
For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633-3048.
For Specific Information: Robert E. Coughlon, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: On June 12, 1980 the Department of State ratified an agreement between the United States and the Government of Canada (Note No. 223, dated June 4, 1980) which authorizes dependents of government officials to accept employment in the receiving State without restriction as to type of employment. The agreement defines the classes of dependents who may accept employment, and provides for the waiver of immunity from civil and administrative jurisdiction with respect to all matters arising out of the dependents' employment in the receiving State. The dependents are also

responsible for the payment of income taxes and social security contributions on any remuneration received as a result of employment in the receiving State. The substance of this agreement as it affects the dependents of Canadian officials in the United States is added as a new subparagraph (3) under 8 CFR 214.2(a).

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule involves a foreign affairs function of the United States which has been previously implemented by international agreement.

Paragraph 5(b) of the President's Memorandum of January 29, 1981 exempts this final rule from postponement of the effective date because it is a regulation issued with respect to a foreign affairs function of the United States.

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

PART 214—NONIMMIGRANT CLASSES

In § 214.2, a new paragraph (a)(3) is added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(a) * * *

(2) * * *

(3) *Dependents of the Government of Canada.* Notwithstanding the provisions of paragraph (a)(2) of this section, on the basis of an agreement entered into between the Department of State and the Canadian Embassy, dependents of employees of the Government of Canada assigned to official duty in the United States shall have permission to accept unrestricted employment under the following conditions: (i) The Embassy of Canada in Washington, DC has made an official request to the Office of Protocol of the Department of State, (ii) the Office of Protocol recognizes the person to be a dependent of an official employee, and (iii) the Office of Protocol has informed the Embassy of Canada the dependent has permission to accept employment. For purposes of the arrangement, the term "dependent" shall include (A) spouses, (B) unmarried dependent children under 21 years of age, (C) unmarried dependent children under 25 years of age who are in full-time attendance as students at post-secondary educational institutions, and (D) unmarried children who are physically or mentally disabled. Dependents who obtain employment under this agreement are responsible for payment of income taxes and Social Security contributions on any remuneration received. Further, immunity from civil or administrative jurisdiction in accordance with Article 37 of the Vienna Convention on Diplomatic Relations is waived for such dependents with respect on all matters arising out of such employment.

* * * * *

(Secs. 103 and 214; 8 U.S.C. 1103 and 1184; Embassy of Canada Note No. 223, dated June 4, 1980)

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-4476 Filed 2-6-81; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-56]

12 CFR Part 552

Mergers Between Federally-Chartered Capital Stock and Other Institutions; Amendment to Charter S Regulations

Dated: February 4, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendment.

SUMMARY: The Board is amending its regulations on mergers between Federally-chartered capital stock and other institutions insured by the Federal Savings and Loan Insurance Corporation to include a supervisory exception codifying the Board's authority to permit the association resulting from a combination of a stock and a mutual to be a stock association.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION, PLEASE CONTACT: Patricia C. Trask (Telephone: 202-377-6442) or James Fleischer (Telephone: 202-377-6417), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Board regulations at 12 CFR 552.13 and 552.14 govern mergers and other combinations of Charter S (Federally-chartered capital stock) associations with other associations having accounts insured by the Federal Savings and Loan Insurance Corporation ("Corporation"). Subparagraph (c)(1) of 12 CFR 552.13 allows a Charter S association to combine with any other FSLIC-insured institution, stock or mutual, by merger or bulk purchase of assets in exchange for assumption of liabilities. However, when a stock and a mutual combine, the resulting association is required to be a mutual. This limitation prevents circumvention of the Board's regulations (12 CFR Part 563b) that exclusively govern conversion of institutions from the mutual to the stock form.

Both the conversion and the combination regulations provide supervisory exceptions to give the Board and the Corporation latitude in resolving cases involving problem institutions. For example, 12 CFR 552.15 provides that the Board may waive or deem inapplicable any part of the combination regulations in order to avert the insolvency or imminent failure of a Charter S association. Similarly, the conversion regulations provide for a supervisory exception to the requirements imposed upon an association converting from mutual to stock form.

By this amendment the Board has added a similar supervisory exception codifying its authority to merge a mutual into a Charter S or arrange for a bulk purchase of assets and assumption of liabilities upon determination that the mutual is in danger of failing or becoming insolvent.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) are unnecessary because it is in the public interest to provide consistency among similar regulatory provisions and to allow the Board maximum flexibility in the area of supervisory activity.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 552, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 552—STOCK ASSOCIATIONS

§ 552.13 [Amended]

1. Amend subdivision (ii) of subparagraph (c)(1) of § 552.13 by inserting before the period at the end of the sentence the following: ", except in cases involving supervisory merger-conversions".

(Sec. 5(d)(11), 48 Stat. 131 (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-4549 Filed 2-6-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-EA-62; Amdt. 39-4038]

Airworthiness Directives; Avco Lycoming Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to IGSO-480-A1E6, -540-A1A and IO-540-B1C5, -540-K1E5 and IGO-540-A1A type aircraft engines. The AD requires the alteration of the mixture control shaft of the Bendix RS-10FB1, RS-10ED1, RS-10ED2, RS-10B1, and RS-10B2 fuel injectors. This alteration will preclude fuel leakages which, if they occur, will create a fire hazard.

EFFECTIVE DATE: February 11, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Avco Lycoming Service Bulletins may be acquired from the manufacturer at Williamsport, Pennsylvania 17701.

FOR FURTHER INFORMATION CONTACT: I. Mankuta, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: There had been reports of leakages around the mixture control shaft. Bendix and Lycoming had been aware of this problem and issued service bulletins RS-62, and 444 respectively. However, the leakages appear to have originated with engines not modified in accordance with the service bulletin. This rule will require compliance with the bulletin or an approved equivalent. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Avco Lycoming: Applies to all IGSO-480-A1E6 with S/Ns up to and including L-2066-44; IO-540-A1A5 with S/Ns up to and including L-19212-48; IO-540-B1C5 with S/Ns up to and including L-9631-48; IO-540-K1E5 with S/Ns up to and including L-19698-48A; IGO-540-A1A, -B1A, -B1C with S/Ns up to and including L-339-49; IGSO-540-A1A, -A1C, -A1D, -A1E, -A1H with S/Ns up to and including L-3637-50.

Compliance required within the next 50 hours in services after the effective date of this AD, unless already accomplished.

To prevent fuel leakage in the mixture control shaft assembly on Bendix Model RS-10FB1, RS-10ED1, RS-10ED2, RS-10B1 and RS-10B2 fuel injectors, accomplish the following:

a. Modify the mixture control shaft assembly with new parts in accordance with Bendix Service Bulletin RS-62, Rev. 1, dated 2/14/80, or FAA approved equivalent.

b. All modified fuel injectors must be reidentified in accordance with instructions noted in the above Service Bulletin.

Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration (FAA) Eastern Region.

Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance time specified in this AD.

Lycoming Service Bulletin No. 444 also pertains to this subject.

This amendment is effective February 11, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact".

Issued in Jamaica, New York, on January 28, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-4328 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 80-ASW-33; Amdt. 39-4029]

Airworthiness Directives; Bell Helicopter Textron Model 47 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the tail rotor drive quill assembly by replacing the bearing, Bell Helicopter Textron (BHT) P/N 47-620-605-001, with the improved bearing, BHT P/N 47-620-929-001. This modification is required on the applicable helicopters certificated in all categories and applies to BHT Model 47 series helicopters and military Models OH-13 series helicopters which utilize either tail rotor drive quill assembly, BHT P/N 47-620-631-3, P/N 47-620-631-35, P/N 47-620-541-3, P/N 47-620-541-7, or P/N 47-620-541-9. This also includes, but is not necessarily limited to, helicopters produced under the following Type Certificates:

H7SW—Texas Helicopter Corporation, U.S. Army OH-13/M74 series helicopters.

H5SW—Tomcat Helicopters, Inc., (Continental Copters, Inc.) U.S. Army OH-13 (BHT Model 47 series).

H2CE—Wilbur Isenburg (Hawkeye), U.S. Army OH-13E (BHT Model 47 series).

The AD is needed to prevent the failure of the tail rotor drive quill assembly bearing. This failure could result in loss of directional control of the helicopter and a hazardous emergency landing.

DATES: Effective April 1, 1981.

Compliance required within the next 600 hours' time in service after the effective date of this AD.

ADDRESSES: The applicable service bulletin may be obtained from Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101. A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. R. Whitlock, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive which would require replacing the bearing, BHT P/N 47-620-605-001, with the improved bearing, BHT P/N 47-620-929-001, on BHT Model 47 series helicopters and military Model OH-13 series helicopters certificated in all categories was published in the **Federal Register** in 45 FR 63499, September 25, 1980. The proposal was promoted by reports of the failure of the bearing (BHT P/N 47-620-

605-001) used in the BHT Model 47 series helicopters' tail rotor drive quill assemblies, BHT P/N 47-620-631-3, P/N 47-620-631-35, P/N 47-620-541-3, P/N 47-620-541-7, or P/N 47-620-541-9. When a failure does occur, a hazardous emergency landing must be made since directional control of the helicopter is lost.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although there were no objections, the one comment which was received concerned the Notice of Proposed Rule Making (NPRM) reference to P/N 47-620-631-35 and P/N 47-620-541-9 which are not all of the affected dash numbers. Alert Service Bulletin No. 47-80-6 does not refer to dash numbers. The commenter suggested listing all affected dash numbers or none of them. Accordingly, the AD has been revised to list all affected parts by their appropriate dash numbers.

Adoption of the Amendment

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

Bell: Applies to Model 47 series helicopters and military Model OH-13 series helicopters certificated in all categories which utilize tail rotor drive quill assemblies, BHT P/N 47-620-631-3, P/N 47-620-631-35, P/N 47-620-541-3, P/N 47-620-541-7, or P/N 47-620-541-9. This also includes, but is not necessarily limited to, helicopters produced under the following Type Certificates:

H7SW—Texas Helicopter Corporation, U.S. Army OH-13/M74 series helicopters (BHT Model 47 series).

H5SW—Tomcat Helicopters, Inc., (Continental Copters, Inc.), U.S. Army OH-13H helicopter (BHT Model 47 series).

H2CE—Wilbur Isenburg (Hawkeye), U.S. Army OH-13E helicopter (BHT Model 47 series).

Compliance is required within the next 600 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the failure of the tail rotor drive assembly bearing and possible loss of directional control accomplish the following:

(a) Disassemble and inspect the tail rotor drive assembly (BHT P/N 47-620-631-3, P/N 47-620-631-35, P/N 47-620-541-3, P/N 47-620-541-7, or P/N 47-620-541-9) as necessary to determine the identification of the bearing at the inboard end of the transmission tail rotor drive gear, P/N 47-620-568-1.

(b) If the bearing is BHT bearing P/N 47-620-929-001 or FAA-approved equivalent, reassemble and reinstall the tail rotor drive assembly as prescribed by the applicable maintenance and overhaul manuals.

(c) If the bearing identified in Item (a) is any part other than BHT P/N 47-620-929-001 or FAA-approved equivalent, replace the bearing with BHT bearing, P/N 47-620-929-001, in accordance with the instructions in BHT Alert Service Bulletin No. 47-80-6, "Replacement of Bearing, P/N 47-620-605-001, with Bearing, P/N 47-620-929-001," dated May 15, 1980. Reassemble and reinstall the tail rotor drive assembly as prescribed by the applicable maintenance and overhaul manuals.

(d) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, Post Office Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective April 1, 1981.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044 as implemented by Department of Transportation Regulator Policies and Procedures (44 FR 11034; February 26, 1979).

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Fort Worth, Texas, on January 19, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

Note.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-4324 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-02-AD Amdt. 39-4036]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule revokes an existing Airworthiness Directive (AD) which required a one-time inspection of the forward-engine support fittings on Boeing 737 airplanes. Results of these inspections establish a basis for terminating action to the rule.

DATES: Effective date April 1, 1981.

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

SUPPLEMENTARY INFORMATION: AD 80-08-15 (45 FR 26030, April 17, 1980) requires a one-time visual and dye penetrant or magnetic particle inspection of the forward engine support fittings. This AD was issued since three cracked engine mount fittings had been found and reported by two different operators. Inspections in accordance with the AD have now been completed on approximately 450 airplanes and no new cracks were discovered. After analyzing the inspection results, the FAA has concluded that a safety problem does not exist since the three cracks originally found appear to be isolated incidents caused by radius anomalies in the fittings which are not present in the rest of the fleet. Therefore, it is no longer necessary to continue the inspections and AD 80-08-15 is, accordingly, revoked.

Since this amendment relieves a restriction, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revoking Airworthiness Directive 80-08-15 (Amendment 39-3556, 45 FR 26030).

This revocation becomes effective February 16, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a).

1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on January 27, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-4331 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-2; Amdt. No. 39-4035]

Airworthiness Directives; Gulfstream American Gulfstream I (G-159) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires revisions to the Airplane Flight Manual (AFM) on the Gulfstream I (G-159) airplanes. This AD is needed to prevent possible operation at degraded performance levels due to inaccurate performance data presented in the AFM.

DATES: Effective February 12, 1981.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable AFM revisions may be obtained from Gulfstream American Corporation, Publications Dept. 925, P.O. Box 2206, Savannah, Georgia 31402.

Copies of the AFM revisions are contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Hubert T. Herold, ASO-216, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7446.

SUPPLEMENTARY INFORMATION: The original engineering analysis prepared to show compliance for certification of the stretched Gulfstream I (G-159) airplane concluded that the performance should be essentially identical to the basic Gulfstream I (G-159), since the operating weights of the two airplanes are the same. Initial flight tests conducted on the stretched Gulfstream I (G-159) airplane (approximately 10 feet fuselage extension) showed that the one engine inoperative climb performance was less than that presented in the Gulfstream I (G-159) AFM. Gulfstream American Corporation undertook an in-depth test program to investigate this disparity. Subsequent flight tests on both the stretched and the basic Gulfstream I (G-159) airplanes showed that neither model could meet the performance presented in the basic Gulfstream I (G-159) AFM.

The FAA has determined that AD action is required to prevent possible operation of Gulfstream I (G-159) airplanes at degraded performance levels due to inaccurate performance data presented in the Gulfstream I (G-159) AFM. An AD is being issued which requires revisions to the AFM to correct the performance deficiency.

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

Adoption of the Amendment

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

Gulfstream American Corporation. Applies to all Gulfstream I (G-159) airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible operation at degraded performance levels due to inaccurate performance data presented in the AFM, accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD, incorporate FAA approved Gulfstream I (G-159) Interim Revisions 23-5, dated October 30, 1980, and 23-6, dated November 28, 1980, into the AFM and operate the airplane accordingly.

(b) These interim revisions may be removed from Gulfstream I (G-159) AFM when FAA approved Revision 24 is incorporated.

An equivalent means of compliance may be approved by the Chief, Engineering and Manufacturing Branch, ASO-210, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective February 12, 1981.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Georgia, on January 26, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-4332 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-57-AD; Amdt. 39-4034]

Airworthiness Directives; Hiller UH-12 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a one time visual inspection of the rudder balance cable assemblies and removal of all cable which is not type design approved on the Hiller UH-12 Helicopters. The AD is prompted by a report of stiffer construction rudder cable being installed, which could result in frayed and broken rudder cables.

DATES: Effective February 9, 1981.

Compliance schedule—Compliance required within ten (10) calendar days from the effective date of this AD.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone (213) 536-6351.

SUPPLEMENTARY INFORMATION: There has been a recent report that during an inspection of a Hiller UH-12 Helicopter, by an owner, it was noted that the rudder balance cable, P/N HS 1053-2,

was not in conformity with Hiller specifications. The subject cable was constructed with seven wires per strand (7 x 7), whereas the type design cable should have 19 wires per strand (7 x 19). The wrong cable had been inadvertently introduced into Hiller's inventory at some undetermined point in time, but has now been replaced by the proper cable. The 7 x 7 cable is much less flexible and more subject to fraying. Since this condition is likely to exist on other helicopters of the same type design, an Airworthiness Directive is being issued which requires a one time inspection of the rudder balance cable and replacement with type design cable, if necessary, on the Hiller UH-12 Helicopters.

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

Adoption of the Amendment

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

Hiller Aircraft: Applies to Models UH-12D, UH-12E, OH-23G, UH-12L, and all models converted to turbine power in accordance with Supplementary Type Certificate STC 177WE or STC 178WE, certified in all categories.

Compliance required within ten (10) calendar days from the effective date of this AD, unless already accomplished.

To prevent rudder balance cables from fraying and breaking, accomplish the following:

(a) Perform a one time visual inspection of the rudder balance cable assembly, P/N HS 1053-2, in accordance with Hiller Service Bulletin No. 32-2 Part II, Accomplishment Instructions, Subparts A and B, dated December 31, 1980.

(b) Remove from service the rudder cable assemblies, P/N HS 1053-2, which do not conform to type design. Type design is 7 x 19 cable. The Hiller Service Bulletin No. 32-2 depicts the acceptable cable.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes or helicopters to a base for the accomplishment of inspections or modifications required by this AD.

(d) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This amendment becomes effective February 9, 1981.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, California, on January 15, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-4333 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-2-AD; Amendment 39-4042]

Airworthiness Directives; Cessna Models 172N, 172RG, R172K, F172 and FR172 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Cessna Models 172N, 172RG, R172K, F172 and FR172 airplanes. This AD requires inspection, rerigging and an operational check of the elevator control system. This action is necessary to preclude the possible jamming of the up elevator cable clevis (fork) on the forward face of the aft fuselage bulkhead. This jamming can result in loss of elevator control and may cause an aircraft accident.

EFFECTIVE DATE: February 17, 1981.

Compliance: Within 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Single Engine Service Information Letter SE80-78 dated August 18, 1980, pertaining to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111. Copies of the service letter are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Douglas W. Haig, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: Seven Malfunction or Defects (M or D) Reports, FAA Form 8010-4, two accident reports, and one incident report involving certain Cessna Model 172 airplanes, describe a condition where the up elevator cable clevis (fork) which attaches to the rear elevator bellcrank can catch on the forward side of the aft fuselage bulkhead. This condition can occur when the AN 23-12 clevis bolt is tightened excessively so as to clamp the elevator cable clevis (fork) to the bellcrank rather than permitting it to swivel. When this condition exists, and the elevator is moved to a position in excess of 6 degrees up elevator, the elevator cable clevis (fork) can catch on the forward face of the aft fuselage bulkhead as the elevator is being moved downward towards 6 degrees. When this happens, the elevator can lock in some nose up position with the airplane in a nose up attitude that could be at or near stall. If this occurs during operation of the aircraft, it could result in an aircraft accident.

Based upon reports of this condition from the field which, to date, involve only 1979 and 1980 models, it has been concluded that these are the only airplaces in which the defect is suspected to exist. This condition is believed to have been introduced by overtightening of the AN 23-12 clevis bolts during manufacture. The FAA considers this to be an unsafe condition.

Accordingly, since this condition is likely to exist in the elevator control system on other airplanes of the same type design, an AD is being issued applicable to Cessna Models 172N, 172RG, R172K, F172 and FR172 airplanes requiring an inspection and corrective action within the next 25 hours time-in-service.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

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

CESSNA: Applies to the following airplanes certificated in all categories:

Model and Serial numbers

172N—17271035 thru 17274010

R172K—R1722930 thru R1723399
172RG—172RG0001 thru 172RG0563
F172—F17201750 thru F17202022
FR172—FR1720631 thru FR1720662

Compliance: Required as indicated unless already accomplished.

To ensure the integrity of the elevator control system, accomplish the following within the next 25 hours time-in-service after effective date of this AD:

(A) Remove seats, upholstery and access plates as necessary to gain access to the aft fuselage.

(B) Loosen the up elevator cable turnbuckle barrel.

(C) Remove the MS24665–134 cotter pins, AN310–3 nuts and AN23–12 clevis bolts that attach both elevator cable clevises (forks) to the aft elevator bellcrank.

(D) Clean the mating surfaces of the bellcrank and elevator cable clevises (forks).

(E) Visually inspect to assure that there is clearance between the elevator cable clevises (forks) and bellcrank.

(F) Install the AN23–12 clevis bolts with the head to the right side for the upper bolt and left side for the lower bolt and the AN310–3 nuts removed in paragraph C. Install new MS24665–134 cotter pins. Assure that the elevator cable clevises (forks) can swivel freely.

(G) Tension the elevator cables to 30 ±10 lbs. and resafety the turnbuckle.

(H) Reinstall the items removed in paragraph A.

(I) Conduct operational check of elevator control system.

Note.—While Cessna Single Engine Service Information Letter SE80–78 dated August 18, 1980 pertains to this subject, the action required in this AD is more comprehensive.

This amendment becomes effective February 17, 1981.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–5446.

Issued in Kansas City, Missouri, on January 30, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–4450 Filed 2–6–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–ANW–17]

Alteration of Transition Area; Spokane, Wash.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will provide controlled airspace for aircraft to operate on direct routes or on radar vectors in the Pullman, Washington, area to more fully utilize the airspace for arriving and departing aircraft.

EFFECTIVE DATE: March 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW–534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767–2610.

SUPPLEMENTARY INFORMATION:

History

On November 24, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register** (45 FR 77452) stating that the Federal Aviation Administration proposed to alter the Spokane, Washington, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540), January 2, 1981, is amended, effective March 6, 1981, as follows:

Spokane, Washington [Amended]

By amending the description beginning on line 11 by inserting the words "area bounded on the east by a line parallel to and 10 miles east of V253, on the south by V536, on the west by the east edge of V112E; that airspace southeast of Spokane extending upward from 6,000 feet MSL, bounded on the north by the arc of a 38 mile radius circle centered on the Fairchild AFB, on the northeast by V–2S, on the southeast by the arc of the 52 mile radius area, on the southwest by a line parallel to and 10 miles northeast of V253, that airspace southeast of Spokane extending upward from 7,000 feet MSL bounded on the northwest by the 52 mile radius area, on the north by V2S, on the southeast by the north edge of V536 and on the southwest by a line parallel to and 10 miles northeast of V253.

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

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

Issued in Seattle, Washington, on January 23, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–4329 Filed 2–6–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80–NE–40]

Amend the Description of the Augusta, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the Augusta, Maine, 700-foot transition area so as to provide additional airspace for aircraft executing the VOR/DME–A original Standard Instrument Approach Procedures (SIAP) serving Central Maine Airport, Norridgewock, Maine.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE–535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; Telephone (617) 273–7285.

SUPPLEMENTARY INFORMATION: On Monday, December 8, 1980, a Notice of Proposed Rule Making, was published in the **Federal Register**, Volume 45, No. 237, pages 80832, 80833 stating, that the Federal Aviation Administration proposed to amend the description of the Augusta, Maine 700-foot Transition Area so as to provide additional airspace for aircraft executing the VOR/DME–A original Standard Instrument Approach Procedure (SIAP), Central Maine Airport, Norridgewock, Maine.

Interested persons were invited to participate in the rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is amended effective April 16, 1981, by:

1. Delete the present description of the Augusta, Maine, 700-foot transition in its entirety and substitute in lieu thereof:

"That airspace extending upward from 700 feet above the surface beginning at: 44°–32'–15"N, 70°–13'–00"W, 44°–49'–00"N, 69°–52'–00"W, 44°–40'–15"N, 69°–27'–00"W, 44°–26'–10"N, 69°–25'–00"W, 44°–22'–00"N, 69°–37'–00"W, 44°–10'–00"N, 69°–29'–00"W, 44°–03'–30"N, 69°–44'–10"W, 44°–14'–20"N, 69°–58'–00"W, to point of beginning, excluding that portion which coincides with the Wiscasset, Maine, 700-foot transition area."

It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sections 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on January 27, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-4320 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-41]

Amend the Description of the Millinocket, Maine, 700-Foot Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changed the Millinocket, Maine, 700-foot transition area by modifying the existing airspace. This action is required as the Non-Directional Beacon (NDB) serving the airport, has been relocated, and the approach procedures associated with that facility have been modified accordingly.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: On Monday, December 8, 1980, a Notice of Proposed Rule Making was published in the **Federal Register**, Volume 45, No. 237, Page 80833, stating that the Federal Aviation Administration proposed to amend the description of the Millinocket, Maine, 700-foot transition area by modifying the existing airspace. This action is required as the Non-Directional Beacon (NDB) servicing the airport has been relocated, and the approach procedures associated with that facility have been modified accordingly.

Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends Section 71.181 of Part 71 of the Federal Aviation regulations effective April 16, 1981, as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50"N, 68°41'10"W, of Millinocket Municipal Airport, Millinocket, Maine, and within 1.5 miles each side of the Millinocket VORTAC 299° radial extending from the 7-mile radius area to the Millinocket VORTAC.

It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant impact on a substantial number of small entities.

Sections 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 9 U.S.C. 1348(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69)).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; Feburary 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on January 27, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-4321 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AEA-67]

Amendment to Victor Airways V-72, V-115, V-116, V-126, V-170, V-184 and V-188

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action deletes reference to the Tidioute MOA from the description of several Federal Airways in the vicinity of Tidioute, Pa. The amendment is required because Tidioute MOA is being revoked effective April 16, 1981.

DATES: Effective date April 16, 1981.

Comments must be received on or before March 9, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 80-AEA-67, Federal Aviation Administration, Federal Building, John F. kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

The Rule

This amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) deletes reference to the Tidioute Military Operations Area (MOA) in the description of Federal Airways V-72, V-115, V-116, V-126, V-170, V-184 and V-188. The Tidioute MOA will be revoked on April 16, 1981, making it no longer necessary to exclude its airspace from the affected airways. Because this amendment is merely technical in nature and imposes no burden upon the public, I find that notice and public procedures are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation. Section 71.123 of Part 71 of the Federal

Aviation Regulations was republished on January 2, 1981, (46 FR 409).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, April 16, 1981, as follows:

In § 71.123 under V-72, V-115, V-116, V-126, V-170, V-184 and V-188, in each case the following is deleted:

The airspace within a 15 NM radius of Tidioute, Pa., at and above 10,000 feet MSL to and including 17,000 feet MSL is excluded during the times that the Tidioute Military Operations Area (MOA) is activated by NOTAM.

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

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

Issued in Washington, D.C. on January 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4322 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21307; Amdt. No. 1183]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

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

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

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

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

By Subscription

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

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

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

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

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

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

Adoption of the Amendment

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

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

. . . Effective March 19, 1981

Tuscaloosa, AL—Tuscaloosa Muni, VOR Rwy 4, Amdt. 8

Madison, IN—Madison Muni, VOR/DME Rwy 3, Amdt. 4
Red Oak, IA—Red Oak Muni, VOR/DME-A, Amdt. 1
Lawrence, KS—Lawrence Muni, VOR/DME-A, Amdt. 5
Detroit, MI—Willow Run, VOR Rwy 5R, Amdt. 7
Detroit, MI—Willow Run, VOR Rwy 23L, Amdt. 4
Worthington, MN—Worthington Muni, VOR/DME Rwy 29, Amdt. 2
Jackson, MS—Allen C. Thompson Field, VOR Rwy 15R (TAC), Amdt. 5
Grand Island, NE—Hall County Regional, VOR Rwy 13, Amdt. 14
Grand Island, NE—Hall County Regional, VOR Rwy 17, Amdt. 18
Grand Island, NE—Hall County Regional, VOR Rwy 31, Amdt. 1, cancelled
Grand Island, NE—Hall County Regional, VOR/DME Rwy 31, Amdt. 2
Grand Island, NE—Hall County Regional, VOR/DME Rwy 35, Amdt. 10
Ashtabula, OH—Ashtabula County, VOR Rwy 8, Amdt. 4
Ashtabula, OH—Ashtabula County, VOR/DME Rwy 26, Amdt. 3
Yankton, SD—Chan Gurney Muni, VOR Rwy 13, Amdt. 3
Yankton, SD—Chan Gurney Muni, VOR Rwy 31, Amdt. 1
Rockwood, TN—Rockwood Muni, VOR/DME Rwy 22, Amdt. 2
Waverly, TN—Humphreys County, VOR/DME-A, Original
Dallas, TX—Redbird, VOR Rwy 13, Amdt. 4
Dallas, TX—Redbird, VOR Rwy 17, Amdt. 2
Dallas, TX—Redbird, VOR Rwy 31, Amdt. 7
Waco, TX—Waco-Madison Cooper, VOR/DME Rwy 32, Amdt. 10
Roanoke, VA—Roanoke Muni/Woodrum, VOR Rwy 33, Amdt. 2

. . . Effective March 5, 1981

Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 4 (TAC), Amdt. 13
Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 22 (TAC), Amdt. 11
Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 31 (TAC), Amdt. 8
Coldwater, MI—Branch County Memorial, VOR Rwy 3, Amdt. 2
Coldwater, MI—Branch County Memorial, VOR Rwy 21, Amdt. 6
Marshall, MI—Brooks Field, VOR Rwy 28, Amdt. 6

. . . Effective February 19, 1981

Flint, MI—Bishop, VOR Rwy 9, Amdt. 19
Flint, MI—Bishop, VOR Rwy 18, Amdt. 12
Flint, MI—Bishop, VOR Rwy 27, Amdt. 15
Flint, MI—Bishop, VOR Rwy 36, Amdt. 9

. . . Effective January 22, 1981

Hope, AR—Hope Municipal, VOR/DME Rwy 4, Amdt. 5
Wichita, KS—Beech Factory, VOR-B, Amdt. 11

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

. . . Effective March 19, 1981

Birmingham, AL—Birmingham Muni, LOC Rwy 23, Amdt. 2
Detroit, MI—Willow Run, LOC BC Rwy 23L, Amdt. 7
Grand Island, NE—Hall County Regional, LOC/DME BC Rwy 17, Amdt. 4

. . . Effective March 5, 1981

Battle Creek, MI—W. K. Kellogg Regional, LOC BC Rwy 4, Amdt. 10

. . . Effective February 19, 1981

Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 12
Wise, VA—Lonesome Pine, SDF Rwy 24, Original

. . . Effective January 23, 1981

Beaver Falls, PA—Beaver County, LOC Rwy 10, Amdt. 1

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

. . . Effective March 19, 1981

Birmingham, AL—Birmingham Muni, NDB Rwy 5, Amdt. 26
Birmingham, AL—Birmingham Muni, NDB Rwy 23, Amdt. 12
Tuscaloosa, AL—Tuscaloosa Muni, NDB Rwy 4, Amdt. 6
Ontario, CA—Ontario Int'l, NDB Rwy 26L/R, Original
Holyoke, CO—Holyoke Muni, NDB Rwy 17, Original
Holyoke, CO—Holyoke Muni, NDB Rwy 35, Original
Madison, IN—Madison Muni, NDB Rwy 3, Original
Red Oak, IA—Red Oak Muni, NDB Rwy 17, Amdt. 4
Lawrence, KS—Lawrence Muni, NDB-B, Amdt. 3
Henderson, KY—Henderson City-County, NDB Rwy 8, Original
Many, LA—Hart, NDB Rwy 12, Amdt. 3
Detroit, MI—Willow Run, NDB Rwy 5R, Amdt. 5
Grand Island, NE—Hall County Regional, NDB Rwy 35, Amdt. 4
Lincoln Park, NJ—Lincoln Park, NDB Rwy 1, Original
Painesville, OH—Casement, NDB-B, Amdt. 5
Dallas, TX—Redbird, NDB Rwy 35, Amdt. 4
Laredo, TX—Laredo International, NDB Rwy 17L, Original
Roanoke, VA—Roanoke Muni/Woodrum, NDB Rwy 33, Amdt. 4
Lewisburg, WV—Greenbrier Valley, NDB Rwy 4, Amdt. 1

. . . Effective March 5, 1981

Battle Creek, MI—W. K. Kellogg Regional, NDB Rwy 22, Amdt. 10

. . . Effective February 19, 1981

Flint, MI—Bishop, NDB Rwy 9, Amdt. 19
Rapid City, SD—Rapid City Regional, NDB-A, Original

. . . Effective January 27, 1981

Greenville, ME—Greenville Seaplane Base, NDB-A, Amdt. 1
Greenville, ME—Greenville Muni, NDB Rwy 14, Amdt. 1

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

. . . Effective March 19, 1981

Birmingham, AL—Birmingham Muni, ILS Rwy 5, Amdt. 32
Tuscaloosa, AL—Tuscaloosa Muni, ILS Rwy 4, Amdt. 8
Detroit, MI—Willow Run, ILS Rwy 5R, Amdt. 8
Grand Island, NE—Hall County Regional, ILS Rwy 35, Amdt. 5
Dallas, TX—Redbird, ILS Rwy 31, Amdt. 1
Roanoke, VA—Roanoke Muni/Woodrum, LDA Rwy 5, Amdt. 2
Roanoke, VA—Roanoke Muni/Woodrum, ILS Rwy 33, Amdt. 4
Lewisburg, WV—Greenbrier Valley, ILS Rwy 4, Amdt. 4

. . . Effective March 5, 1981

Battle Creek, MI—W. K. Kellogg Regional, ILS Rwy 22, Amdt. 10

. . . Effective February 19, 1981

Ontario, CA—Ontario Intl, ILS Rwy 26L, Original
Flint, MI—Bishop, ILS Rwy 9, Amdt. 13

. . . Effective January 23, 1981

St. Louis, MO—Lambert-St. Louis Int'l., ILS Rwy 30L, Amdt. 6

. . . Effective January 22, 1981

Oakland, CA—Metropolitan Oakland Int'l, ILS Rwy 11, Amdt. 1

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

. . . Effective March 19, 1981

Birmingham, AL—Birmingham Muni, RADAR-1, Amdt. 15
Roanoke, VA—Roanoke Muni/Woodrum, RADAR-1, Amdt. 6

. . . Effective March 19, 1981

Detroit, MI—Willow Run, RADAR-1, Amdt. 2

. . . Effective February 29, 1981

Flint, MI—Bishop, RADAR-1, Amdt. 3

. . . Effective January 23, 1981

St. Louis, MO—Lambert-St. Louis Intl, RADAR-1, Amdt. 26

. . . Effective January 16, 1981

King Salmon, AK—King Salmon, RADAR-1, Amdt. 6

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

. . . Effective March 19, 1981

Waycross, GA—Waycross-Ware County, RNAV Rwy 18, Original Kokomo, IN—Kokomo Muni, RNAV Rwy 5, Original Grand Island, NE—Hall County Regional, RNAV Rwy 31, Amdt. 4 Ashtabula, OH—Ashtabula County, RNAV Rwy 26, Amdt. 3 Moab, UT—Canyonlands Field, RNAV Rwy 15, Original

. . . Effective January 23, 1981

St. Louis, MO—Lambert-St. Louis Intl, RNAV Rwy 30L, Amdt. 8

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as

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

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

John S. Kern,

Chief, Aircraft Programs Division.

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

[FR Doc. 81-4327 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Hazardous Substances and Articles; Administration and Enforcement Regulations; Exemption From Labeling Requirements for Certain Writing Instruments

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission exempts certain rigid or semi-rigid writing instruments from the labeling requirements of the Federal Hazardous Substances Act insofar as such requirements would apply because the ink is a hazardous substance in that it is "toxic" as defined by the Commission's regulations or because the ink contains 10 percent or more by weight of ethylene glycol or diethylene glycol. The exemption is issued because the conditions specified in the exemption are such that full compliance with the labeling requirements otherwise applicable under the act is impracticable and not necessary for the adequate protection of the public health and safety. The exemption was requested by the Gillette Company.

DATES: The exemption is effective February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, phone (303) 492-6400.

SUPPLEMENTARY INFORMATION:

A. Background

Under section 2(f) of the Federal Hazardous Substances Act ("the act"), 15 U.S.C. 1261(f), the term "hazardous substance" includes any substance or mixture of substances which is "toxic" if such substance or mixture may cause substantial personal injury or substantial illness during, or as a proximate result of, any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. The term "hazardous substance" also includes any substances which the Consumer Product Safety Commission by regulation finds meets this definition. Section 2(g) of the act defines toxic as including "any substance * * * which has the capacity to produce personal injury or illness to man through ingestion * * *". Section 2(p) of the act provides that a hazardous substance which is intended, or packaged in a form suitable, for use in the household or by children is misbranded if it does not bear a label conspicuously stating certain specified information and warning statements. The Commission's regulations (16 CFR 1500.3(c)(2)) further define "toxic" as including any substance that produces death within 14 days in half of more of a group of white rats (each weighing between 200 or 300 grams) when a single dose of from 50 milligrams to 5 grams per kilogram of body weight is administered orally. (The dosage required to produce death in one half of the rats in this test is referred to as the LD-50 single oral dose.)

Section 3(b) of the act, 15 U.S.C. 1262(b), authorizes the Commission to issue regulations establishing reasonable variations or additional label requirements if it finds that the requirements of section 2(p)(1) of the act are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance. Pursuant to section 3(b) of the act, the Commission's regulations (16 CFR 1500.14(b)(1, 2)) establish special labeling requirements for substances containing 10 percent or more by weight of diethylene glycol or ethylene glycol.

Section 3(c) of the act provides that if the Commission finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements of the act is impractical or is not necessary for the adequate protection of the public health and safety, it may issue regulations exempting such substance from the requirements to the extent consistent with the adequate protection of the public health and safety.

In a petition received January 3, 1977 (Petition HP 77-4), the Parker Pen Company requested an exemption to the labeling requirements of the act. The product category for which the exemption was requested was rigid or semi-rigid writing instrument cartridges that have a writing point and an ink reservoir containing ink as a free liquid and that comply with the following conditions:

(a) The cartridge is constructed so that the ink will emerge only from the writing tip under any reasonably foreseeable condition of manipulation and use.

(b) When tested by the method described in 16 CFR 1500.3(c)(2)(i), the ink does not have an LD-50 single oral does of less than 2.5 grams per kilogram of body weight of the test animal.

(c) If the ink contains ethylene glycol or diethylene glycol, the amount of such substance, either singly or in combination, will not exceed one gram per cartridge.

(d) The cartridge will not contain more than three grams of ink.

The petition requested an exemption for these products from the special labeling requirements of 16 CFR 1500.13(b)(1, 2), which would otherwise apply if the ink had 10 percent or more by weight of ethylene glycol or diethylene glycol. The petition explained the functional advantages of using higher percentages of ethylene glycol or diethylene glycol. The petition also requested an exemption to the allowable LD-50 single oral dose limit for the unlabeled product (5.0 grams per kilogram of body weight) so that inks having an LD-50 of 2.5 grams per kilogram of body weight could be used. The petition stated that the lower LD-50 would allow additional freedom in the development of future ink formulations and provided data to support the minor hazard presented by the cartridges for which the exemption is sought, both on the basis of the requested LD-50 limit and on the basis of the use of more than 10% of ethylene glycol and/or diethylene glycol.

The Commission considered the data submitted with the petition and analyzed the degree of risk associated with ink cartridges that meet the conditions specified in the requested exemption.

The data available to the Commission showed that approximately 4200 injuries that were associated with pens and marking pens were treated in hospital emergency rooms in the United States during calendar year 1976. Injuries

caused by the ink itself would probably be included in the category of "dermatitis and poisonings," which constituted 4 percent of the reported diagnoses. No deaths in this category had been reported.

After considering the available data, the Commission found that, in view of the difficulty of extracting ink from the writing tip, and in view of the limitation of the amount of ink in each cartridge to 3 grams, the requested LD–50 single oral dose of 2.5 grams per kilogram of body weight of the test animal will provide an adequate degree of protection of the public health and safety. (For an ink with an LD–50 of 2.5 gm/kg, a 10 kg child would have to consume 25 gm of ink, or the total ink supply of about 8 pens, to reach the LD–50 level. If each pen contained 1 gm of ethylene or diethylene glycol, a 10 kg child would have to ingest the total contents of from at least 5 pens to reach a level involving toxic effects and up to 50 pens to achieve a fatal dose.)

Similarly, the Commission found that the difficulty in extracting the ink from the tip and the limitation that the amount of ethylene glycol and/or diethylene glycol shall not exceed 1 gram per cartridge will provide an adequate degree of protection of the public health and safety where the percentage by weight of either of these substances is ten percent or more. Accordingly, the Commission preliminarily found that full compliance with the labeling requirements otherwise applicable under the Federal Hazardous Substances Act is not necessary for the adequate protection of the public health and safety. As a result of this finding, the Commission proposed an exemption for these ink cartridges, subject to the conditions described above (November 14, 1977; 42 FR 58959).

The Gillette Company submitted a comment on the proposal stating that, although Gillette did not oppose the objective of the proposed exemption nor any of its stated conditions, Gillette believed that the exemption was unnecessarily limited in that (1) it applied only if the ink were contained in the reservoir as a *free liquid* and (2) it applied only to writing instrument cartridges and not to writing instruments in general.

Concerning the first of those limitations, Gillette pointed out that many writing instruments contain ink which is contained in the reservoir within an absorbent material and not as a free liquid. They argued that these absorbent materials retain significant amounts of the ink that is stored in the reservoir and that writing instruments containing absorbent material therefore allow less ink to be available for accidental ingestion than would be the case if the ink were in the reservoir as a free liquid. They conclude that writing instruments that contain absorbent material in the reservoir are inherently safer than those that do not and that the final exemption should not contain the proposed limitation of "containing ink in the reservoir as a free liquid."

Concerning the limitation that the exemption would apply only to writing instrument cartridges, Gillette argued that there is no logical or safety-related distinction between writing instrument cartridges and writing instruments in general.

At the request of the Commission's staff, Gillette also submitted prototype writing instruments, quantitative data for the solvents used in the prototype inks, and toxicity data for the inks showing that the inks do not have an LD–50 of less than 2.5 grams per kilogram of body weight.

After carefully considering the comments and other material submitted by Gillette, and other available information, the Commission agrees that there is no apparent reason why the conditions in the proposed exemption would not protect the public health and safety as adequately for writing instruments in general as for ink cartridges containing ink in the reservoir as a free liquid. However, before broadening the scope of the exemption as requested by Gillette, the Commission decided to propose these changes for public comment in order to obtain the benefit of any data, views, or arguments that interested persons believe should be considered by the Commission when it makes the final decision on whether or not Gillette's request should be granted. Accordingly, the Commission issued the exemption requested by Parker as originally proposed (43 FR 47174; October 13, 1978) and proposed to expand the scope of the exemption, as requested by Gillette, to include writing instruments and to delete the limitation that the ink must be contained in the reservoir as a free liquid (44 FR 61602; October 26, 1979).

Data obtained from the National Electronic Injury Surveillance System (NEISS) indicate that about 4100 persons were treated in hospital emergency rooms during 1979 for injuries associated with pens. An estimated 71 of these injuries involved swallowing or inhalation of liquids or gases by children under 5. The Commission is unable to determine if any of these incidents involved ink from pens that would be included in the exemption. (However, since the estimate of these 71 children under five years of age is based on only two reported cases, the estimate is subject to a wide sampling error.)

For January through June, 1980, there were an estimated 38 children under 5 that were treated in hospital emergency rooms for swallowing or inhalation of liquids or gases (based on a sample of one reported case).

B. Comment on the Proposal

One comment from an interested individual was received on the proposal. The commenter opposed the exemption and urged that toxic inks be banned or at least labeled. The specific contentions advanced by the commenter are discussed below.

The commenter noted that the injury data that were discussed in the proposal were obtained only from hospital emergency rooms and did not include other cases such as those treated in clinics or private offices. He also noted that the approximately 170 cases involved in emergency room examinations for "dermatitis or poisonings" in 1976 is not an "insignificant" number. While the commenter's observations are correct, the available data do show that "poisoning" incidents due to ingestion of ink from pens are not a likely source of substantial illness or substantial injury. More importantly, however, is the fact that the limitations of the exemption that the ink is only available from the tips of the pen and that no more than 3 grams of ink can be contained in the pen make it highly unlikely that a child could ingest a harmful amount of ink from writing instruments subject to the exemption. An identcial exemption for writing instrument cartridges has been in effect since October 13, 1978, and the Commission is not aware of any poisoning incident associated with such cartridges.

The commenter also contends that children are likely to use these writing instruments and that it is reasonably foreseeable that they will abuse them. He concludes from this that the children and their parents "deserve some notice of the hazards involved." However, due to the small amount of ink contained in each writing instrument and the difficulty in obtaining the ink, it seems unlikely that a child would be able to ingest enough ink to cause the "substantial personal injury or substantial illness" which the Federal Hazardous Substances Act is intended to prevent. The general parental knowledge that a child should not ingest products that are not intended to be foods would appear to be adequate protection in this case, and it would appear unwarranted and impracticable

for pens to bear the extensive written information that would otherwise be required by the act.

C. Conclusion

Therefore, after considering the comment on the proposal and the available injury data and other available information, the Commission finds that because of the size of the package involved and the minor hazard presented by the substance contained therein, full compliance with the labeling requirements otherwise applicable under the Federal Hazardous Substances Act is impracticable and not necessary for the adequate protection of the public health and safety for the writing instruments described in the exemption issued below.

Since the rule grants an exemption, the delayed effective date requirement of 5 U.S.C. 553(d) is not applicable and the exemption is effective immediately.

Therefore, pursuant to the Federal Hazardous Substances Act (secs. 2(f, p), 3(a–c), 74 Stat. 372, 374, 375, as amended; 15 U.S.C. 1261(f, p), 1262(a–c)), the Commission amends Title 16, Chapter II, Subchapter C, Part 1500, § 1500.83, of the Code of Federal Regulations by changing paragraph (a)(38) to read as follows (the text of the introductory portion of § 1500.83(a), although unchanged, is included for context):

§ 1500.83 Exemption for small packages, minor hazards, and special circumstances.

(a) The following exemptions are granted for the labeling of hazardous substances under the provisions of § 1500.82:

* * * * *

(38) Rigid or semi-rigid writing instruments and ink cartridges having a writing point and an ink reservoir are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i) of the regulations) and of regulations issued under section 3(b) of the act (§ 1500.14(b)(1, 2)) insofar as such requirements would be necessary because the ink contained therein is a "toxic" substance as defined in § 1500.3(c)(2)(i) and/or because the ink contains 10 percent or more by weight ethylene glycol or diethylene glycol, if all the following conditions are met:

(i) The writing instrument or cartridge is of such construction that the ink will, under any reasonably foreseeable condition of manipulation and use, emerge only from the writing tip.

(ii) When tested by the method described in § 1500.3(c)(2)(i), the ink does not have an LD–50 single oral dose of less than 2.5 grams per kilogram of body weight of the test animal.

(iii) If the ink contains ethylene glycol or diethylene glycol, the amount of such substance, either singly or in combination, does not exceed 1 gram per writing instrument or cartridge.

(iv) The amount of ink in the writing instrument or cartridge does not exceed 3 grams.

(Secs. 2(f, p), 3(a–c), 74 Stat. 372, 374, 375, as amended; 15 U.S.C. 1261(f, p), 1262(a–c))

Effective date. This amendment becomes effective on February 9, 1981.

Dated: February 4, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–4580 Filed 2–6–81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB–40]

Staff Accounting Bulletin No. 40

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: This staff accounting bulletin represents a codification of the material included in staff accounting bulletin nos. 1–38. It deletes these bulletins and replaces them with an integrated package which has been updated and indexed. The principal revisions relate to deletion of material no longer necessary because of private sector developments in generally accepted accounting principles and recent Commission actions. This material has been updated to give effect to recent Commission revisions of rules and forms as part of the integration of the disclosure system under the various securities acts. The purpose of this publication is to make the staff accounting bulletins more useful to issuers, accountants and others.

DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Edmund Coulson or John W. Albert, Office of the Chief Accountant (202–272–2130) or Howard P. Hodges, Jr., Chief Accountant, Division of Corporation Finance (202–272–2553), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On November 4, 1975, the Commission's Division of Corporation Finance and the Office of the Chief Accountant instituted a series of Staff Accounting Bulletins ("SABs") with the publication of SAB No. 1. Since that time, a total of 39 SABs [1] have been issued covering a wide range of topics including financial statement matters, business combinations, senior securities, equity accounts, miscellaneous accounting, interpretations of accounting series releases, real estate companies, retail companies, finance companies, and miscellaneous disclosure matters.

SABs represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws; they are not rules or interpretations of the Commission, nor do they bear official Commission approval. The Commission's staff issues SABs as a means of informing the financial community of its views on certain matters relating to accounting and disclosure practices. In general, SABs are considered to be an effective and expeditious means of communication and contribute to consistency in the implementation of the Federal securities laws.

In an effort to improve the usefulness of the SABs, the Commission's staff has conducted a comprehensive review of the material included in SAB Nos. 1–38. As a result, the staff has determined that it is necessary to revise and update certain of these materials. In addition, the staff has determined that re-issuing the revised and updated materials in a codified form would significantly improve their readability, and thus their usefulness. Therefore, this SAB supersedes SAB Nos. 1 through 38.

The principal revisions incorporated in the codified version relate to the deletion of material no longer necessary because of recent Commission actions and developments in generally accepted accounting principles—largely attributed to the activities of the Financial Accounting Standards Board ("FASB"). For example, due to the issuance of the FASB's Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices," and the Commission's subsequent rescission [2] of its

[1] The codification does not include the material in SAB No. 39 which was issued on October 6, 1980. SAB No. 39 interprets certain accounting series releases dealing with independence of accountants. The staff is presently studying the issues covered in SAB No. 39 and expects to either clarify its views, or recommend that the Commission address this area in the form of an accounting series release, in the near future.

[2] See Accounting Series Release No. 271, "Deletion of Requirement to Disclose Replacement Cost Information" (October 23, 1979). Under ASR 271, the requirements for disclosure of replacement

replacement cost rule, the interpretations of Accounting Series Release ("ASR") No. 190 (previously Topic 6.I) are no longer necessary, and therefore have been deleted. Similarly, since ASR No. 163, "Capitalization of Interest by Companies Other than Public Utilities," was rescinded [3] in response to the establishment by the FASB of a financial accounting and reporting standard for capitalization of interest cost (Statement of Financial Accounting Standards No. 34, "Capitalization of Interest Cost"), the interpretations of ASR No. 163 (previously Topic 6.D) have been deleted. Other examples of deletions to the SABs made possible by private sector standard-setting initiatives relate to accounting for leases, prior period adjustments and involuntary conversions.

The SABs have been revised to take into account the recent Commission initiatives designed to facilitate the integration of the disclosure system under the various securities acts. In August 1980, the Commission adopted a group of rulemaking initiatives [4] which, taken together, constitute by far the single most important advance toward achieving the Commission's longstanding goals of an integrated and simplified disclosure system. Among the releases adopted were amendments to the present annual report Form 10–K required to be filed by most publicly owned companies, uniform instructions to govern the periods covered by financial statements included in most registration and reporting forms filed under the 1933 and 1934 Acts, as well as in annual reports to shareholders (this release also substantially conforms requirements for interim financial information under the 1933 Act with those under the 1934 Act), and revisions to certain articles of Regulation S–X to give recognition to the accounting standard-setting efforts of the private sector and to react to the ever changing needs of users of financial statements.

The previous SABs contained numerous references to various articles in Regulation S–X which have changed—these references have been revised in the codification. In addition, various changes and deletions have been made to reflect other aspects of the integration program, including the deletion of the five-year summary of operations, the revised management's discussion and analysis, the content of the annual report to shareholders, updating of financial statements, incorporation by reference, and various specific changes to Regulation S–X such as in the areas of disclosure of compensating balances and short term debt, and income tax expense.

Following is a reference table of changes which shows the old topic and subsection (as they existed prior to this SAB), the source of the material (SABs 1–38), the disposition of the material (either no change, updating, or deletion as per this SAB), and the new topic and subsection as codified in this SAB.

Staff Accounting Bulletins (SABs) Reference Table of Changes

Old reference topic paragraph		Source	Disposition	New reference topic paragraph
	General principles intended as guidance for events and transactions with similar accounting implications.	SAB 27	(1)	
1	Financial statements			1
A	Target companies			A
	Question 1	SAB 1	N/C	
	Question 2	SAB 1	(1)	
B	Parent only financial statements	SAB 1	(1)	B
C	Unaudited financial statements for a full year	SAB 1	(1)	C
D	Filings on form S–14	SAB 1	(2)	
E	Headnote to summary of operations	SAB 1	(2)	
F	Foreign companies			D
1	Convenience statements	SAB 1, amended by SAB 8.	N/C	1
2	"Free distributions" by Japanese companies	SAB 1, amended by SAB 8.	N/C	2
G	Requirements for audited or certified financial statements.			E
1	Meaning of the word "Audited"	SAB 1	N/C	1
2	Qualified auditors' opinions	SAB 1	N/C	2
H	Incorporation by reference:			
	Question 1	SAB 1	(2)	
	Question 2	SAB 1	(2)	
	Question 3	SAB 1	(2)	
I	Tax loss carryforward—form 8–K	SAB 1	(2)	
J	Summary of operations—capsule updating	SAB 26	(2)	
2	Business combinations			2
A	Purchase method			A
1	Cash contingencies	SAB 1	N/C	1
2	Determination of the acquiring corporation	SAB 24	N/C	2
B	Merger expenses	SAB 1, amended by SAB 8.	N/C	B
3	Senior securities			3
A	Convertible securities	SAB 1	(1)	A
B	Fixed charge coverage ratios for debt and preferred stocks.	SAB 1	N/C	B
C	Balance sheet presentation for preferred stock with sinking funds or mandatory redemption features.	SAB 1	[3](1)	C
4	Equity accounts			4
A	Subordinated debt	SAB 1	N/C	A
B	Subchapter S corporations	SAB 1	N/C	B
C	Change in capital structure	SAB 1	N/C	C
D	Quasi-reorganizations	SAB 1	(2)	
E	Cheap stock	SAB 1	N/C	D
F	[Previously deleted]			
G	Receivables from sale of stock			E
	Question 1	SAB 1	(1)	
	Question 2	SAB 2, deleted by SAB 31.		
H	Limited partnerships	SAB 8	N/C	F
I	Limitation on payment of dividends by subsidiary banks to parent holding company.	SAB 26	(2)	
J	Notes and other receivables from affiliates	SABs 31, 31A	(1)	G
5	Miscellaneous accounting			5
A	Expenses of offering	SAB 1	N/C	A
B	Gain or loss from disposition of equipment	SAB 1	N/C	B
C	Accrued vacation pay	SAB 1	[3](2)	
D	Reclassification of self-insurance reserves	SAB 1	(2)	
E	Tax benefit of loss carryforwards			C
1	Current recognition of tax benefit			1
	Question 1	SAB 8, amended by SAB 17.	N/C	
	Question 2	SAB 8, amended by SAB 17.	N/C	
2	Realization of tax benefit			2
	Question 1	SAB 8, amended by SAB 17.	N/C	
	Question 2	SAB 8, amended by SAB 17.	N/C	
	Question 3	SAB 8, amended by SAB 17.	N/C	

cost data will no longer apply for fiscal years ending on or after December 25, 1980—the date that the FASB's Statement No. 33 becomes fully effective. For registrants with fiscal years ending prior to December 25, 1980, an automatic waiver of the replacement cost rule is provided when the current cost disclosures called for by Statement No. 33 are included in their financial reports. Thus, it is possible that after the date of this SAB, some companies who choose not to take advantage of the automatic waiver will be required to include replacement cost data in filing with the Commission. In these cases, it should be noted that notwithstanding the deletive action in this SAB, registrants would be expected to follow the guidance previously given in the SABs.

[3] See Accounting Series Release No. 272, "Rescission of Moratorium on Capitalization of Interest Cost" (November 6, 1979).

[4] See Securities Act Release Nos. 6231, 6232, 6233, 6234 (September 25, 1980).

Staff Accounting Bulletins (SABs) Reference Table of Changes—Continued

Old reference topic paragraph		Source	Disposition	New reference topic paragraph
	Question 4	SAB 8, amended by SAB 17.	N/C	
F	[Previously deleted]			
G	Employee stock ownership trust (ESOT)	SAB 8	(2)	
H	Prior period adjustments	SAB 8	(2)	
I	Real estate acquired in foreclosure, settlement, etc.	SAB 13	(2)	
J	Involuntary conversions	SAB 21	(2)	
K	Organization and offering expenses and selling commissions—limited partnerships trading in commodity futures.			D
	Question 1	SAB 22	N/C	
	Question 2	SAB 22	N/C	
	Question 3	SAB 22	N/C	
	Question 4	SAB 22	N/C	
L	Financing by electric utility companies through use of construction intermediaries.	SAB 28	(1)	10 A
M	Accounting for divestiture of a subsidiary or other business operation:			
	Question 1	SAB 30	N/C	5 E
	Question 2	SAB 30do	N/C	
	Question 3	SAB 30	N/C	
	Question 4	SAB 30	N/C	
N	Accounting changes not retroactively applied due to immateriality.	SAB 32	N/C	F
6	Interpretations of accounting series releases			6
A	Accounting series release No. 147—Improved disclosure of leases [delete subsections A1–A4].	SAB 1	(2)	
B	Accounting series release No. 148—Disclosure of compensating balances and short-term borrowing arrangements.			H
1	Applicibility			1
a	Annual reports to shareholders	SAB 1	(2)	
b	Arrangements with other lending institutions	SAB 1	(1)	a
c	Bank holding companies and brokerage firms	SAB 1	(1)	b
d	Financial statements of parent company and unconsolidated subsidiaries	SAB 1	(1)	c
e	Foreign lenders	SAB 1	(1)	d
2	Classification of short-term obligations			2
a	Financial accounting standards board statement No. 6:			
	Question 1	SAB 1	(2)	
	Question 2	SAB 1	(2)	
b	Other classifications of debt due within 1 year:			
	Question 1	SAB 1	(2)	
	Question 2	SAB 1	(2)	
c	Debt related to long-term projects	SAB 1	N/C	a
3	Compensating balances			3
a	Compensating balances for future credit availability	SAB 1	(1)	a
b	Changes in compensating balances	SAB 1	N/C	b
c	Float	SAB 1	N/C	c
4	Miscellaneous			4
a	Periods required	SAB 1	(1)	a
b	10–Q disclosures	SAB 1	N/C	b
c	Determining average interest rate	SAB 1	(1)	c
C	Accounting series release No. 149—Improved disclosure of income tax expense	SAB 1, amended by SABs 8, 17.		I
1	Inclusion in annual report	SABs 1, 8	(2)	
2	Tax rate:			
	Question 1	SAB 1	N/C	1
	Question 2	SAB 1	N/C	
3	Taxes of investee company	SAB 1	(1)	2
4	Net of tax presentation	SAB 1	N/C	3
6 C5	Loss years	SAB 1	N/C	6 I4
6	Foreign registrants:			
	Question 1	SAB 1	(1)	5
	Question 2	SAB 1	N/C	
7	Securities gains and losses	SAB 1	N/C	6
8	Tax expense components v. "Overall" presentation	SABs 8, 17	(1)	7
D	Accounting series release No. 163—Capitalization of interest by companies other than public utilities [delete subsections D1–D3]	SAB 1	(2)	
E	Accounting series release No. 166—Disclosure of unusual risks and uncertainties in financial reporting.			A
1	Market value changes:			
	Question 1	SAB 1	N/C	1
	Question 2	SAB 1	N/C	
2	Insurance companies	SAB 1	(2)	
F	Accounting series release No. 175—Rule 3A-02(e)			B
	Relating to consolidated financial statements	SAB 2	(1)	
1	Definitions			1
a	Engaged in the business			a
	Question 1	SAB 2	(1)	
	Question 2	SAB 2	(1)	
b	All nonsignificant consolidated subsidiaries not otherwise included	SAB 2	N/C	b
c	Registrant's investment	SAB 2	(1)	c

Staff Accounting Bulletins (SABs) Reference Table of Changes—Continued

Old reference topic paragraph		Source	Disposition	New reference topic paragraph
d	Registrant's total assets			d
	Question 1	SAB 2	(1)	
	Question 2	SAB 2	(1)	
e	Income (or loss) before income taxes and extraordinary items	SAB 2	(1)	e
f	Proportionate share	SAB 2	(1)	f
g	Average income	SAB 2	(1)	g
h	Sales and revenues derived from registrant	SAB 2	(1)	h
2	Tests under rule 3A-02(e)			2
a	Financial statements used	SAB 2	(1)	a
b	Additional statements/omission of statements	SAB 2	(1)	b
c	Tests apply to subsidiary as a whole	SAB 2	(1)	c
d	Application of tests	SAB 2	N/C	d
3	Financial statements to be presented			3
a	Subsidiaries	SAB 2	(1)	a
b	Subsidiaries of subsidiaries			b
	Question 1	SAB 2	(1)	
	Question 2	SAB 2	(1)	
c	Number of financial statements	SAB 2	(1)	c
6 F4	Presentation of financial statements			6 B4
a	Significant subsidiaries	SAB 2	(1)	a
b	Nonsignificant subsidiaries	SAB 2	(1)	b
c	General form and content	SAB 2	N/C	c
5	Miscellaneous:			
a	Separate financial statements in form 10-Q	SAB 2	(1)	5
b	Retroactive application	SAB 2	(2)	
c	Annual report to shareholders	SAB 2	(2)	
G	Accounting series release No. 159—Management's discussion and analysis of the summary of earnings or operations [subsection 1-6].	SABs 3, 29	(2)	
H	Accounting Series Release No. 177—Relating to amendments to form 10-Q and regulation S-X. Regarding interim financial statements:			G
1	Amendments to regulation S-X [new item 12 of regulation S-K].		(1)	1
a	Effective Date of Amendments:			
	Question 1	SAB 6	(2)	
	Question 2	SAB 6	(1)	a
b	Disclosure of selected quarterly financial data in notes to financial statements.			b
	Question 1	SAB 6	(1)	
	Question 2	SAB 6	(1)	
	Question 3	SAB 6	(1)	
	Question 4	SAB 6	(1)	
	Question 5	SAB 6	(1)	
	Question 6	SAB 6	N/C	
	Question 7	SAB 6	N/C	
	Question 8	SAB 6	N/C	
c	Financial statements presented on other than a quarterly basis.			c
	Question 1	SAB 6	(1)	
	Question 2	SAB 6	N/C	
	Question 3	SAB 6	N/C	
d	Exemption from item 12 requirements			d
	Question 1	SAB 6	(1)	
	Question 2	SAB 6	(1)	
	Question 3	SAB 6	(1)	
	Question 4	SABs 6, 13	(2)	
	Question 5	SABs 6, 13	(1)	
	Question 6	SABs 6, 13	(1)	
e	Incorporation by reference in annual reports to shareholders	SAB 6	(2)	
6 H2	Amendments to form 10-Q			6 G2
a	Effective date of amendments	SAB 6	(2)	
b	Form of condensed financial statements			a
	Question 1	SAB 6	(1)	
	Question 2	SAB 6	N/C	
	Question 3	SAB 6	N/C	
	Question 4	SAB 6	N/C	
	Question 5	SAB 6	N/C	
	Question 6	SAB 6	N/C	
c	Need for supplemental financial statements:			
	Question 1	SAB 6	(2)	
	Question 2	SAB 6	(2)	
d	Disclosure with respect to the dispositions of business.	SAB 6	(1)	b
e	Disclosure of form 8-K filed during the most recent quarter.	SAB 6	(2)	
f	Reporting requirements for accounting changes.			c
	[First set of facts]:			
	Question 1	SAB 14	N/C	1
	Question 2	SAB 14	N/C	
	Question 3	SAB 14	N/C	

Staff Accounting Bulletins (SABs) Reference Table of Changes—Continued

Old reference topic paragraph		Source	Disposition	New reference topic paragraph
	Question 4	SAB 14	N/C	
	Question 5	SAB 14	N/C	
	Question 6	SAB 14	N/C	
	Question 7	SABs, 6, 14	N/C	
	[Second set of facts]:			
	Question 1 SAB 13		N/C	2
9	Signatures	SAB 13	(2)	
I	Accounting series release No. 190—Relating to amendments to regulation S-X requiring disclosure of replacement cost data (Rule 3-17) [delete subsection I1-I11].	SABs 7, 9, 10, 11, 12, 13, 17, 18, 20, 23.	(2)	
J	Accounting series release No. 125—Adoption of amendments to regulation S-X.	SAB 8	N/C	F
K	Accounting series release No. 188—Interpretive statements by the commission on disclosure by registrants of holdings of securities of New York City and accounting for securities subject to exchange offer and moratorium.	SAB 13	(2)	
6L	Accounting series release No. 250—Disclosure of relationships with independent accountants.			6 C
	Question 1	SABs 25, 38	N/C	1
	Question 2	SABs 25, 33	N/C	
	Question 3	SAB 25	N/C	
	Question 4	SAB 25	N/C	2
	Question 5	SAB 25	N/C	
	Question 6	SAB 25	N/C	
	Question 7	SAB 25	N/C	
	Question 8	SAB 25	N/C	
	Question 9	SAB 25	N/C	
	Question 10	SAB 25	N/C	
	Question 11	SAB 25	N/C	
	Question 12	SAB 25	N/C	3
	Question 13	SAB 25	(2)	
	Question 14	SAB 25	N/C	4
	Question 15	SAB 25	N/C	
M	Accounting series release No. 257—Requirements for financial accounting and reporting practices for oil and gas producing activities.			D
	Estimates of quantities of proved reserves			1
	Question 1	SAB 35	(1)	
	Question 2	SAB 35	(1)	
	Question 3	SAB 35	N/C	
	Question 4	SAB 35	N/C	
2	Estimates of future net revenues			2
	Question 1	SAB 35	(1)	
	Question 2	SAB 35	N/C	
	Question 3	SAB 35	N/C	
	Question 4	SAB 35	N/C	
	Question 5	SAB 35	(1)	
	Question 6	SAB 35	N/C	
	Question 7	SAB 35	*N/C	
	Question 8	SAB 35	N/C	
3	Disclosure of reserve information			3
a	Income tax effects	SAB 35	(1)	a
b	Unproved properties	SAB 35	N/C	b
c	Limited partnership 10-K reports	SAB 36	(1)	c
d	Limited partnership registration statements	SAB 36	(1)	d
4	Filings by Canadian registrants	SAB 36	(1)	4
6N	Accounting series Release No. 269—Supplemental disclosures on the basis of reserve recognition accounting.			6E
1	Provision for income taxes	SAB 35	N/C	1
7	Real estate companies			7
A	Reporting requirements	SAB 1	N/C	A
B	Gains or losses on investments in real estate	SAB 1	(2)	
C	Land development companies	SAB 1	N/C	B
D	Schedules of real estate and accumulated depreciation, and of mortgage loans on real estate.	SAB 1	(1)	C
E	Income before depreciation	SAB 1	N/C	D
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10 G	Chronological ordering of data	SAB 1	N/C	11 E
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I	[Previously deleted]			

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Old reference topic paragraph		Source	Disposition	New reference topic paragraph
J	Estimated future costs related to spent nuclear fuel and nuclear electric generating plants.	SAB 19	N/C	10 B
K	Tax equivalent adjustment in financial statements of bank holding companies.			11 G
	Question 1	SAB 26	(1)	
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	Question 3	SAB 26	(1)	
	Question 4	SAB 26	(2)	
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L	Jointly owned electric utility plants	SAB 28	N/C	10 C
M	Long-term contracts for purchase of electric power	SAB 28	N/C	D

[1] Substance included in note to table of contents.

[2] Also revised to clarify SAB 1 which allowed presentation of redeemable preferred stock at other than fair value at date of issue.

[3] Deleted as a result of the issuance in November 1980 of FASB Statement No. 43, "Accounting for Compensated Absences." It should be noted that although Statement No. 43 is not effective until fiscal years beginning after December 15, 1980, the staff will expect its principles, as they relate to vacation pay, to be applied in filings with the Commission prior to that time.

[4] Updated to reflect enactment of "windfall profits" tax.

Legend:

N/C No substantive change. (1) Updated for integrated disclosure program releases. (2) Deleted.

George A. Fitzsimmons,

Secretary.

January 23, 1981.

Staff Accounting Bulletin No. 40

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Note.—Staff Accounting Bulletins may be written narrowly in describing the individual facts and circumstances which resulted in the expression of the staff's views. However, registrants and their accountants should be aware that the purpose of the Staff Accounting Bulletins is to disseminate staff views on particular matters for guidance in other situations where events and transactions have similar accounting implications.

Where a registrant and its accountant believe that because of its peculiar circumstances the appropriate accounting should be different than would result from following the practice expressed in a Staff Accounting Bulletin, the registrant is encouraged to discuss the specifics with the staff.

Topic 1: Financial Statements

A. Target Companies

Facts: Company X proposes to file a registration statement covering an exchange offer to stockholders of Company Y, a publicly held company. Company X asks Company Y to furnish information about its business, including current audited financial statements, for inclusion in the prospectus. Company Y declines to furnish such information.

Question 1: In filing the registration statement without the required information about Company Y, may Company X rely on Rule 409 in that the information is "unknown or not reasonably available"?

Interpretive Response: Yes, but to determine whether such reliance is justified, the staff requests the registrant to submit as supplemental information copies of correspondence between the registrant and the target company evidencing the request for and the refusal to furnish the financial statements. In addition, the prospectus must include any financial statements which are relevant and available from the Commission's public files and must contain a statement adequately describing the situation and the sources of information about the target company. Other reliable sources of financial information should also be utilized.

Question 2: Would the response change if Company Y was a closely held company?

Interpretive Response: Yes. The staff does not believe that Rule 409 is applicable to negotiated transactions of this type. The staff would also direct the registrant to Release No. 33–4950 which specifies certain financial statement requirements and provides criteria for relief from the certification requirements of Rules 3–07 (Past successions to other businesses) and 3–08 (Future successions to other business) of Regulation S–X.

B. Parent Only Financial Statements

Facts: Rules 3–03 and 3–04 of Regulation S–X require the unconsolidated (parent only) financial statements of the registrant unless either one of two conditions specified in Rule 3–05 of Regulation S–X is satisfied. One of the conditions requires that the registrant be primarily an operating company and that all subsidiaries included in the consolidated financial statements be totally held subsidiaries.

Question: How does the staff interpret the phrase "primarily an operating company"?

Interpretive Response: The staff interprets the phrase "primarily an operating company" to mean that the registrant itself must have a material amount of sales or operating revenues after the elimination of all amounts arising from intercompany transactions. For example, a parent company whose principal activity is buying merchandise for its retailing subsidiaries would not be deemed an operating company.

C. Unaudited Financial Statements for a Full Fiscal Year

Facts: Company A, which is a reporting company under the Securities Exchange Act of 1934, proposes to file a registration statement within 90 days of its fiscal year end but does not have audited year end financial statements available. The company meets the criteria under Rule 3–01 of Regulation S–X and is therefore not required to include year end audited financial statements in its registration statement. However, the Company does propose to include in the prospectus the unaudited results of operations for its entire fiscal year.

Question: Would the staff find this objectionable?

Interpretive Response: The staff recognizes that many registrants publish the results of their most recent year's operations prior to the availability of year end audited financial statements. The staff will not object to the inclusion of unaudited results for a full fiscal year and indeed would expect such data in the registration statement if the registrant has published such information. When such data is included in a prospectus, it must be covered by a management's representation that all adjustments necessary for a fair statement of the results have been made.

D. Foreign Companies

1. Convenience Statements.

Facts: Company Z, a foreign company, proposes to file a registration statement with the Commission. Its financial statements are maintained in a foreign currency.

Question: Are financial statements maintained in a foreign currency acceptable in filings with the Commission?

Interpretive Response: In filings containing financial statements of foreign companies, the staff usually insists on the inclusion of statements maintained in the currency of the country of domicile. Also, the currency in which the statements are prepared and the current exchange rate should be clearly and prominently stated on each statement.

In general, it is preferred that the registrant also present such statements in dollars on the basis of the current exchange rate at the date of the most recent balance sheet included in the filing. All statements presented should reflect that single rate even if the rate was not the same in previous years for which statements are included. If there has been a material change in the rate of exchange subsequent to the balance

sheet date, the current rate at or about the date of filing should be used. The registrant should disclose the exchange rate used, the fact that records are maintained in foreign currency units and that the dollar statements are for the convenience of U.S. investors.

2. "Free Distributions" by Japanese Companies.

Facts: It is the general practice in Japan for corporations to issue "free distributions" of common stock to existing shareholders in conjunction with offerings of common stock so that such offerings may be made at less than market. These free distributions usually are from 5 to 10 percent of outstanding stock and are accounted for in accordance with provisions of the Commercial Code of Japan by a transfer of the par value of the stock distributed from paid-in capital to the common stock account. Similar distributions are sometimes made at times other than when offering new stock and are also designated "free distributions." U.S. accounting practice would require that the fair value of such shares, if issued by U.S. companies, be transferred from retained earnings to the appropriate capital accounts.

Question: Should the financial statements of Japanese corporations included in Commission filings which are stated to be prepared in accordance with U.S. generally accepted accounting principles be adjusted to account for stock distributions of less than 25 percent of outstanding stock by transferring the fair value of such stock from retained earnings to appropriate capital accounts?

Interpretive Reponse: If registrants and their independent accountants believe that the institutional and economic environment in Japan with respect to the registrant is sufficiently different that U.S. accounting principles for stock dividends should not apply to free distributions, the staff will not object to such distributions being accounted for at par value in accordance with Japanese practice. If such financial statements are identified as being prepared in accordance with U.S. generally accepted accounting principles, then there should be footnote disclosure of the method being used which indicates that U.S. companies issuing shares in comparable amounts would be required to account for them as stock dividends, and including in such disclosure the fair value of any such shares issued during the year and the cumulative amount (either in an aggregate figure or a listing of the amounts by year) of the fair value of shares issued over time.

E. Requirements for Audited or Certified Financial Statements

1. Meaning of the Word "Audited."

Facts: Amendments adopted in Accounting Series Release No. 155 changed the requirement in various forms from "certified" to "audited" financial statements.

Question: Does the word "audited" have the same meaning as the word "certified"?

Interpretive Response: No difference in meaning or change in requirements was intended or effected by ASR No. 155 which was a continuation of a program to conform the terminology used in the forms to that currently applied by the accounting profession (see ASR No. 125).

2. Qualified Auditors' Opinions.

Facts: The accountants' report is qualified as to scope of audit, or the accounting principles used.

Question: Does the staff consider the requirements for audited or certified financial statements met when the auditors' opinion is so qualified?

Interpretive Response: No. The staff does not accept as consistent with the requirements of Rule 2-02(b) of Regulation S-X financial statements on which the auditors' opinions are qualified because of a limitation on the scope of the audit, since in these situations the auditor was unable to perform all the procedures required by professional standards to support the expression of an opinion. This position was discussed in ASR No. 90 in connection with representations concerning the verification of prior years' inventories in first audits.

Financial statements for which the auditors' opinions contain qualifications relating to the acceptability of accounting principles used or the completeness of disclosures made are also unacceptable. (See ASR No. 4, and with respect to a "going concern" qualification, see ASR No. 115.)

Topic 2: Business Combinations

A. Purchase Method

1. Cash Contingencies.

Facts: Registrant is to acquire Company A for common stock and Company B for common stock and cash. The cash is to be obtained from a private placement of preferred stock and a bank loan. However, the private placement is contingent upon the acquisition of Company A and the bank loan is contingent upon both the acquistion of Company A and the private placement.

Question: May the registrant account for the acquisitions of companies A and B on a pooling-of-interest basis and a purchase basis, respectively?

Interpretive Response: The staff believes that although there are no express agreements between companies A and B, the cash contingencies create what amounts to mutual contingencies necessitating purchase treatment for both acquisitions. (See AICPA Interpretation 38 of APB Opinion No. 16.)

2. Determination of the Acquiring Corporation.

Facts: Companies X and Y reach an agreement in principle to merge under which the former common shareholders of Company X are to receive common stock representing 55% of the outstanding shares and the former common shareholders of Company Y are to receive both common and preferred stock representing 45% of the outstanding voting stock in the combined corporation. The Chairman of the Board and Chief Executive Officer and the Chief Operating Officer of the combined corporation would be the individuals currently holding these positions in Company Y. Substantially all the proposed directors of the combined corporation are directors of Company Y. (The Board of Directors of Company Y consists principally of non-management directors whereas the Board of Directors of Company X consists principally of management directors.) The Chairman of the Executive Committee of the combined corporation would be the current Chairman of the Board and Chief Executive Officer of Company X. That individual and his family would hold approximately 18% of the outstanding voting stock of the combined corporation; 8½% would be held in a trust, and, with respect to the other 9½% of the shares, he has agreed "not to solicit proxies or to participate in an election contest." (No other shareholder of the combined corporation would hold 5% or more of the outstanding common stock.) The assets, revenues, net earnings and current market value of Company Y significantly exceed those of Company X. In addition, the market value of the securities to be received by the former common shareholders of Company Y significantly exceed those of Company X. Companies X and Y propose to account for this business combination as a purchase by Company X of Company Y because the former shareholders of Company X will hold a controlling interest (55%) in the outstanding voting stock of the combined corporation.

Question: Given the above facts, is there other evidence indicating that Company Y is the acquirer in this

business combination which rebuts the presumption that Company X is the acquirer since its former common shareholders will receive the larger portion of the voting rights of the combined corporation?

Interpretive Response: Paragraph 70 of Accounting Principles Board Opinion No. 16 states:

> The Board concludes that presumptive evidence of the acquiring corporation in combinations effected by an exchange of stock is obtained by identifying the former common stockholder interests of a combining company which either retain or receive the larger portion of the voting rights in the combined corporation. That corporation should be treated as the acquirer unless other evidence clearly indicates that another corporation is the acquirer.

Companies X and Y took the position that because the former common shareholders of Company X will receive 55% of the outstanding voting stock of the combined corporation, it is the acquiring corporation and the other circumstances of the business combination do not rebut that evidence.

The staff took the position that Company Y is the acquiring corporation because the other circumstances of this business combination rebut the normal presumption that Company X is the acquirer (i.e., that company is the acquirer whose former common shareholders receive the larger portion of the voting stock of the combined corporation.) The facts that: (i) there would be restrictions on the ability of the former Chairman of the Board of Company X to solicit proxies or to participate in an election contest; (ii) top management and the Board of Directors of the combined corporation would be substantially individuals currently holding such positions in Company Y; (iii) the assets, revenues, net earnings and current market value of Company Y significantly exceed those of Company X; and (iv) the market value of the securities to be received by the former common shareholders of Company Y significantly exceeds the market value of the securities to be received by the former common shareholders of Company X, all taken together, provide sufficient other evidence to indicate that Company Y is the acquirer and that these factors outweigh the fact that the former common shareholders of Company X received the larger portion of the voting rights of the combined corporation.

B. Merger Expenses

Facts: A registrant that has been growing by acquisitions entered into a merger agreement which called for the issuance of shares of its common stock in exchange for all the outstanding shares of Company X; the combination is to be accounted for as a pooling of interests. A fraction of each share to be issued was to be sold by the escrow agent and the proceeds used to pay the expenses of the transaction. These expenses totaled nearly $525,000 and consisted of a finder's fee of $310,000 and various other legal, accounting and printing expenses. This total would be material to the combined income statement of the registrant and Company X. There was no prior fee arrangement between Company X and the finder.

The registrant proposes not to charge combined operations for the merger expenses arguing that neither the spirit nor the specific provisions of APB Opinion No. 16 would be violated because (a) the arrangements were determined by "arm's-length" negotiations between buyer and seller; (b) the acquisition costs were borne proportionately by all Company X stockholders; and (c) the merger agreement did not indicate that additional shares were to be issued to the stockholders for such costs.

Question: Does the staff believe that this proposed treatment is appropriate?

Interpretive Response: The staff is of the view that all expenses relating to the merger would have to be charged to the combined income statement in compliance with APB Opinion No. 16. The registrant was growing by acquisitions, and these costs would be recurring and ordinary expenses.

Topic 3: Senior Securities

A. Convertible Securities

Facts: Company B proposes to file a registration statement covering convertible debentures.

Question: In registration, what consideration should be given to the dilutive effects of convertible securities?

Interpretive Response: If a convertible security is being registered, consideration must be given to the provisions of APB Opinion No. 15 governing the possible dilution of earnings per share resulting from assumed conversion of the security.

Pro forma per share amounts provided as supplemental earnings per share data in accordance with paragraphs 22 and 23 of APB Opinion No. 15 must be disclosed and keyed to an appropriate explanatory note if such amounts vary materially from historical calculations.

B. Fixed Charge Coverage Ratios for Debt and Preferred Stocks

Facts: Historical and pro forma ratios of earnings before fixed charges to fixed charges or to fixed charges plus preferred dividends are required in prospectuses covering the sale of debt securities or preferred stock, respectively (e.g., Item 6 of Form S-1).

Question: How should the income tax efffects of the dividend on preferred stock be reflected?

Interpretive Response: Preferred dividend requirements should be grossed up for the income tax effect. The appropriate factor by which the preferred dividends should be grossed up can be derived in most cases by dividing income before income taxes by net income.

C. Balance Sheet Presentation for Preferred Stock With Sinking Funds or Mandatory Redemption Features

Facts: Accounting Principles Board Opinion No. 10 and Rule 4-08(d) of Regulation S-X require that the involuntary liquidation value of preferred stock be shown within the equity section of the balance sheet whenever preferred stock is extended on the face of the balance sheet in an amount which is less than the involuntary liquidation value.

Question: Since neither the opinion nor the rule directly discusses the issue, at what amounts should the preferred stock be extended on the face of the balance sheet in the situations in which the company is required to redeem the preferred stock?

Interpretive Response: Preferred stock required to be redeemed by the company whether by operation of a sinking fund or otherwise should be presented at its fair value at date of issue. Where fair value at date of issue is less than mandatory redemption value, the carrying amount should be increased by periodic accretions of the difference between fair value and redemption value until redemption date at which time both amounts shall be equivalent.

Periodic accretions, based on an interest method, should be reflected, along with the cash dividend requirements of preferred stocks, as reductions of net income to arrive at the income applicable to common stock for the purpose of computing earnings per share, unless of course, the preferred stock is a common stock equivalent. The accretions should be treated the same as cash dividend requirements on preferred stock for the purpose of computing fixed charge and preferred dividend coverage ratios.

Preferred stock with mandatory redemption provisions which provide that the redemptions can be offset by any shares voluntarily converted should also be carried at mandatory

redemption value since there is no way to know whether the conversion privileges will be exercised. When preferred stock is converted, the total carrying value including accretions to the date of conversion should be transferred to the common stock and paid-in capital.

Topic 4: Equity Accounts

A. Subordinated Debt

Facts: Company E proposes to include in its registration statement a balance sheet showing its subordinated debt as a portion of stockholders' equity.

Question: Is this presentation appropriate?

Interpretive Response: Subordinated debt may not be included in the stockholders' equity section of the balance sheet. Any presentation describing such debt as a component of stockholders' equity must be eliminated. Futhermore, any caption representing the combination of stockholders' equity and only subordinated debt must be deleted.

B. Subchapter S Corporations

Facts: A Subchapter S corporation has undistributed earnings on the date its Subchapter S election is terminated.

Question: How should such earnings be reflected in the financial statements?

Interpretive Response: Such earnings must be included in the financial statements as additional paid-in capital. This assumes a constructive distribution to the owners followed by a contribution to the capital of the corporation.

C. Change in Capital Structure

Facts: A capital structure change due to a stock dividend, stock split or reverse split occurs after the date of the latest reported balance sheet but before the release of the financial statements or the effective date of the registration statement, whichever is later.

Question: What effect must be given to such a change?

Interpretive Response: Such changes in the capital structure must be given retroactive effect in the balance sheet. An appropriately cross-referenced note should disclose the retroactive treatment, explain the change made and state the date the change became effective.

D. Cheap Stock

Facts: Shares are sometimes issued to selected persons just prior to or simultaneously with a first time public offering at less than the public offering price. Such shares are referred to as "cheap stock."

Question: What treatment is appropriate for cheap stock?

Interpretive Response: Cheap stock must be treated as outstanding for all reported periods. The issuance of such stock should be given effect in earnings per share calculations in the same manner as a stock split or recapitalization effected contemporaneously with the first time public offering. Because of the nominal consideration received for the shares, it is not appropriate to use weighted averages in making the per share calculations required by APB Opinion No. 15.

E. Receivables From Sale of Stock

Facts: Compensation often arises when capital stock is issued or is to be issued to officers or other employees at prices below market.

Question: How should the deferred compensation be presented in the balance sheet?

Interpretive Response: The amounts recorded as deferred compensation should be presented in the balance sheet as a deduction from stockholders' equity. This is generally consistent with Rule 5-02.30 of Regulation S-X which states that accounts or notes receivable arising from transactions involving the registrant's capital stock should be presented as deductions from stockholders' equity and not as assets.

It should be noted generally that all amounts receivable from officers and directors resulting from sales of stock or from other transactions (other than expense advances or sales on normal trade terms) should be separately stated in the balance sheet irrespective of whether such amounts may be shown as assets or are required to be reported as deductions from stockholders' equity. Accounting Series Release No. 41 states that "* * * in some cases the significance of an amount may be independent of the amount involved. For example, amounts due to and from officers and directors, because of their special nature and origin, ought generally to be set forth separately even though the dollar amounts involved are relatively small."

The staff will not suggest that a receivable from an officer or director be deducted from stockholders' equity if the receivable was paid in cash prior to the publication of the financial statements and the payment date is stated in a note to the financial statements. However, the staff would consider the subsequent return of such cash payment to the officer or director to be part of a scheme or plan to evade the registration or reporting requirements of the securities laws.

F. Limited Partnerships

Facts: There exist a number of publicly held partnerships having one or more corporate or individual general partners and a relatively larger number of limited partners. There are no specific requirements or guidelines relating to the presentation of the partnership equity accounts in the financial statements. In addition, there are many approaches to the parallel problem of relating the results of operations to the two classes of partnership equity interests.

Question: How should the financial statements of limited partnerships be presented so that the two ownership classes can readily determine their relative participations in both the net assets of the partnership and in the results of its operations?

Interpretive Response: The equity section of a partnership balance sheet should distinguish between amounts ascribed to each ownership class. The equity attributed to the general partners should be stated separately from the equity of the limited partners, and changes in the number of equity units authorized and outstanding should be shown for each ownership class. A statement of changes in partnership equity for each ownership class should be furnished for each period for which an income statement is included.

The income statements of partnerships should be presented in a manner which clearly shows the aggregate amount of net income (loss) allocated to the general partners and the aggregate amount allocated to the limited partners. The statement of income should also state the results of operations on a per unit basis.

G. Notes and Other Receivables From Affiliates

Facts: The balance sheet of a corporate general partner is often presented in a registration statement. Frequently, the balance sheet of the general partner discloses that it holds notes or other receivables from a parent or another affiliate. Often the notes or other receivables were created in order to meet the "substantial assets" test which the Internal Revenue Service utilizes in applying its "Safe Harbor" doctrine in the classification of organizations for income tax purposes.

Question: How should such notes and other receivables be reported in the balance sheet of the general partner?

Interpretive Response: While these notes and other receivables evidencing a promise to contribute capital are often legally enforceable, they seldom are actually paid. In substance, these

receivables are equivalent to unpaid subscriptions receivable for capital shares which Rule 5–02.30 of Regulation S–X requires to be deducted from the dollar amount of capital shares subscribed.

The balance sheet display of these or similar items is not determined by the quality or actual value of the receivable or other asset "contributed" to the capital of the affiliated general partner, but rather by the relationship of the parties and the control inherent in that relationship. Accordingly, in these situations, the receivables must be treated as a deduction from stockholders' equity in the balance sheet of the corporate general partner.

Topic 5: Miscellaneous Accounting

A. Expenses of Offering

Facts: Prior to the effective date of an offering of equity securities, Company Y incurs certain expenses related to the offering.

Question: Should such costs be deferred?

Interpretive Response: Specific incremental costs directly attributable to a proposed or actual offering of securities may properly be deferred and charged against the gross proceeds of the offering. However, management salaries or other general and administrative expenses may not be allocated as costs of the offering and deferred costs of an aborted offering may not be deferred and charged against proceeds of a subsequent offering. A short postponement (up to 90 days) does not represent an aborted offering.

B. Gain or Loss From Disposition of Equipment

Facts: Company A has adopted the policy of treating gains and losses from disposition of revenue producing equipment as adjustments to the current year's provision for depreciation. Company B reflects such gains and losses as a separate item in the statement of income.

Question: Does the staff have any views as to which method is preferable?

Interpretive Response: Gains and losses resulting from the disposition of revenue producing equipment should not be treated as adjustments to the provision for depreciation in the year of disposition, but should be shown as a separate item in the statement of income.

If such equipment is depreciated on the basis of group of composite accounts for fleets of like vehicles, gains (or losses) may be charged (or credited) to accumulated depreciation with the result that depreciation is adjusted over a period of years on an average basis. It should be noted that the latter treatment would not be appropriate for (1) an enterprise (such as an airline) which replaces its fleet on an episodic rather than continuing basis or (2) an enterprise (such as a car leasing company) where equipment is sold after limited use so that the equipment on hand is both fairly new and carried at amounts closely related to current acquisition cost.

C. Benefit of Loss Carryforwards

1. Current Recognition of Tax Benefit.

Facts: Paragraphs 45–47 of Accounting Principles Board Opinion No. 11 set forth very rigid standards for the current recognition of tax loss carryforwards. The Opinion states that current recognition is expected to be "rare" and in order to record the tax benefit currently the realization of the tax benefit asset must be "assured beyond any reasonable doubt."

Question 1: Will the staff accept the current recognition of the tax benefit of a loss carryforward in the case wherein the registrant has experienced the following earnings?

	Pretax income (loss)	
	Before deduction for discontinued operations and extraordinary charges	After deduction for discontinued operations and extraordinary charges
19X0	$8,464,000	$8,464,000
19X1	9,059,000	9,059,000
19X2	12,226,000	12,226,000
19X3	1,860,000	(19,463,000)
19X4	301,000	(7,078,000)

Interpretive Response: It is the staff's opinion that the "assured beyond any reasonable doubt" criterion established in APB Opinion No. 11 is one of the most restrictive tests contained within the authoritative literature. Accordingly, the staff will expect the evidence supporting current recognition of a tax loss carryforward to be highly persuasive.

As to the situation described above, although the registrant has reported pretax income from continuing operations for all of the years, the level of earnings has dropped rather significantly in the two most recent years. This downward trend indicates that a consequential degree of uncertainty exists as to the registrant's ability to earn sufficent income in the future to realize the tax benefit. Stated differently, it would not appear that the realization of the tax benefit assets is "assured beyond any reasonable doubt;" consequently, current recognition would not be appropriate.

Question 2: Will the staff accept current recognition of the tax benefit of a tax loss carryforward in the situation wherein the registrant forms a subsidiary in a foreign country to conduct the same type of business as the registrant and (a) the losses incurred by the foreign subsidiary are normal, predictable losses of a start-up enterprise and (b) all other similar operations of the registrant have been profitable?

Interpretive Response: In the staff's view current recognition of tax benefits in the situation cited above would not be appropriate. Item 13 of Accounting Interpretations of APB Opinion No. 11 states that "Loss carryforwards resulting from the introduction of products or services which have not achieved sufficient acceptance to produce profits do not qualify for recognition prior to realization." It is the staff's opinion that this provision would preclude the current recognition of the tax benefits of start-up losses which create loss carryforwards.

2. Realization of Tax Benefit.

Facts: Paragraph 47 of APB Opinion No. 11—Accounting for Income Taxes reads as follows:

> Realization of the tax benefit of a loss carryforward would appear to be assured beyond any reasonable doubt when both of the following conditions exist: (a) the loss results from an identifiable, isolated and nonrecurring cause and the company either has been continuously profitable over a long period or has suffered occasional losses which were more than offset by taxable income in subsequent years, and (b) future taxable income is virtually certain to be large enough to offset the loss carryforward and will occur soon enough to provide realization during the carryforward period.

Question 1: In order to record the future tax benefits of an accounting basis loss carryforward does the staff believe that both condition (a) and condition (b) must be met or is the meeting of condition (b) sufficient?

Interpretive Response: The staff believes that both condition (a) and condition (b) must be met.

Question 2: Does the staff believe that conditions (a) and (b) must be met in order to record a deferred (or prepaid) tax charge applicable to a timing difference?

Interpretive Response: Ordinarily the staff does not believe that either conditions (a) or (b) need to be met in order to record deferred tax charges. However, taxes paid should not be recorded as deferred charges unless there is a likelihood that future benefits will result. If it is unlikely that the timing

difference related to the deferred charge will produce a future benefit then it would be imprudent to record such an amount.

Question 3: In years subsequent to the recording of a future tax benefit related to an accounting basis loss carryforward, is it necessary to reassess the realizability using a standard of "virtual certainty" or will a lower, more conventional standard of realization be acceptable?

Interpretive Response: The staff believes periodic reassessment of the realizability of future tax benefits should be made using the "virtual certainty" standard set forth in (b) of paragraph 47 of APB Opinion No. 11. If a future tax benefit fails to meet this standard, it should not continue to be carried as an asset.

Question 4: In the staff's opinion, what are the key elements necessary to demonstrate that "future taxable income is virtually certain to be large enough to offset the loss carryforward. . ."?

Interpretive Response: There are numerous factors to be considered and the relative significance will vary somewhat from case to case. However, the staff believes the following are particularly important:

(a) A very strong earnings history.

(b) Clear evidence that the loss was not attributable to a general economic or industry decline.

(c) The availability of reasonably feasible alternative tax strategies, such as the conversion of a tax exempt portfolio to taxable securities.

(d) Forecasts based upon realistic assumptions which indicated future earnings substantially in excess of the recorded loss carryforward.

Normally a registrant should be able to demonstrate the existence of all of these factors. Seldom, if ever, would any one element, such as forecasts of future earnings, standing alone be sufficient to demonstrate that future earnings will meet the "virtually certain" test.

D. Organization and Offering Expenses and Selling Commissions—Limited Partnerships Trading in Commodity Futures

Facts: Partnerships formed for the purpose of engaging in speculative trading in commodity futures contracts sell limited partnership interests to the public and frequently have a general partner who is an affiliate of the partnership's commodity broker or the principal underwriter selling the limited partnership interests. The commodity broker or a subsidiary typically assumes the liability for all or part of the organization and offering expenses and selling commissions in connection with the sale of limited partnership interests. Funds raised from the sale of partnership interests are deposited in a margin account with the commodity broker and are invested in Treasury Bills or similar securities. The arrangement further provides that interest earned on the investments for an initial period is to be retained by the broker until it has been reimbursed for all or a specified portion of the aforementioned expenses and commissions and that thereafter interest earned accrues to the partnership.

In some instances, there may be no reference to reimbursement of the broker for expenses and commissions to be assumed. The arrangements may prove that all interest earned on investments accrues to the partnership but that commissions on commodity transactions paid to the broker are at higher rates for a specified initial period and at lower rates subsequently.

Question 1: Should the partnership recognize a commitment to reimuburse the commodity broker for the organization and offering expenses and selling commissions?

Interpretive Response: Yes. A commitment should be recognized by reducing partnership capital and establishing a liability for the estimated amount of expenses and commissions for which the broker is to be reimbursed.

Question 2: Should the interest income retained by the broker for reimbursement of expenses be recognized as income by the partnership?

Interpretive Response: Yes. All the interest income on the margin account investments should be recognized as accruing to the partnership as earned. The portion of income retained by the broker and not actually realized by the partnership in cash should be applied to reduce the liability for the estimated amount of reimbursable expenses and commissions.

Question 3: If the broker retains all of the interest income for a specified period and thereafter it accrues to the partnership, should an equivalent amount of interest income be reflected on the partnership's financial statements during the specified period?

Interpretive Response: Yes. If it appears from the terms of the arrangement that it was the intent of the parties to provide for full or partial reimbursement for the expenses and commissions paid by the broker, then a commitment to reimbursement should be recognized by the partnership and an equivalent amount of interest income should be recognized on the partnership's financial statements as earned.

Question 4: Under the arrangements where commissions on commodity transactions are at a lower rate after a specified period and there is no reference to reimbursement of the broker for expenses and commissions, should recognition be given on the partnership's financial statements to a commitment to reimburse the broker for all or part of the expenses and commissions?

Interpretive Response: If it appears from the terms of the arrangement that the intent of the parties was to provide for full or partial reimbursement of the broker's expenses and commissions, then the estimated commitment should be recognized on the partnership's financial statements. During the specified intitial period commissions on commodity transactions should be charged to operations at the lower commission rate with the difference applied to reduce the aforementioned commitment.

E. Accounting for Divestiture of a Subsidiary or Other Business Operation

Facts: Company X transferred certain operations (including several subsidiaries) to a group of former employees who had been responsible for managing those operations. Assets and liabilities with a net book value of approximately $8 million were transferred to a newly formed entity—Company Y—wholly owned by the former employees. The consideration received consisted of $1,000 in cash and interest bearing promissory notes for $10 million, payable in equal annual installments of $1 million each, plus interest, beginning two years from the date of the transaction. The former employees possessed insufficient assets to pay the notes and Company X expected the funds for payments to come exclusively from future operations of the transferred business.

Company X remained contingently liable for performance on existing contracts transferred and agreed to guarantee, at its discretion, performance on future contracts entered into by the newly formed entity. Company X also acted as guarantor under a line of credit established by Company Y.

The nature of Company Y's business was such that Company X's guarantees were considered a necessary predicate to obtaining future contracts until such time as Company Y achieved profitable operations and substantial financial independence from Company X.

Question 1: Company X proposes to account for the transaction as a divestiture, but to defer recognition of gain until the owners of Company Y begin making payments on the

promissory notes. Does this proposed accounting treatment reflect the economic substance of the transaction?

Interpretive Response: No. The circumstances are such that the risks of the business have not, in substance, been transferred to Company Y or its owners.

In assessing whether the legal transfer of ownership of one or more business operations has resulted in a divestiture for accounting purposes, the principal consideration must be an assessment of whether the risks and other incidents of ownership have been transferred to the buyer with sufficient certainty.

When the facts and circumstances are such that there is a continuing involvement by the seller in the business, recognition of the transaction as a divestiture for accounting purposes is questionable. Such continuing involvement may take the form of effective veto power over major contracts or customers, significant voting power on the board of directors, or other involvement in the continuing operations of the business entailing risks or managerial authority similar to that of ownership.

Other circumstances may also raise questions concerning whether the incidents of ownership have, in substance, been transferred to the buyer. These include:

—Absence of significant financial investment in the business by the buyer, as evidenced, for instance, by a token down payment;

—Repayment of debt which constitutes the principal consideration in the transaction is dependent on future successful operations of the business; or

—The continued necessity for debt or contract performance guarantees of behalf of the business by the seller.

In the above transaction, the seller's continuing involvement in the business and the presence of certain of the other factors cited evidence the fact that the seller has not been divorced from the risks of ownership. Accounting for this proposed transaction as a divestiture—even with deferral of the "gain"—does not reflect its economic substance and therefore is not appropriate.

Question 2: If the transaction is not to be treated as a divestiture for accounting purposes, what is the proper accounting treatment?

Interpretive Response: If, in the circumstances surrounding a particular transaction, a determination is made that a legal transfer of business ownership should not be recognized as a divestiture for accounting purposes, an accounting treatment consistent with that determination is required. In this instance, the assets and liabilities of the business which were the subject of the transaction should be segregated in the balance sheet of the selling entity under captions such as: "Assets of business transferred under contractual arrangements (notes receivable)," and "Liabilities of business transferred" or similar captions which appropriately convey the distinction between the legal form of the transaction and its accounting treatment.

A note to the financial statements should describe the nature of the legal arrangements, relevant financing and other details and the accounting treatment.

Where, as in this instance, realization of the sale price is wholly or principally dependent on the operating results of the business operations which were the subject of the transaction, the uncertainty associated with such realization should be reflected in the financial statements of the seller. Thus, absent a deterioration in the business, any operating losses of the divested business should be considered the best evidence of a change in valuation of the business in a manner somewhat analogous to equity accounting for an investment in common stock.[1] If the business suffered a loss during its initial period of operations after the transaction, that loss should be reflected in the financial statements of the seller by recording a valuation allowance and a corresponding charge to income. The amount of the valuation allowance (absent unusual circumstances) would be at least the amount of the loss attributable to the business, unless such loss has been previously provided for in accordance with Accounting Principles Board Opinion No. 30. Other evidence, however (such as a question as to the ability of the business to continue as a going concern), might require that a higher valuation allowance be established.

This accounting treatment should be continued for each period until either:

1. The net assets of the business have been written down to zero (or a net liability recognized in accordance with generally accepted accounting principles); or

2. Circumstances have changed sufficiently that it has become appropriate to recognize the transaction as a divestiture.

In the latter instance, it would normally also be appropriate to recaption any asset balance remaining on the balance sheet of the seller in keeping with the changed circumstances, e.g., "Notes receivable."

In the case where the business reports net income, such net income should not be recorded by the former owner, because the rewards of ownership (but not the risks) have been passed to Company Y. Any payments received on obligations of the buyer arising out of the transaction should be treated as a reduction of the carrying value of the segregated assets of the business.

Question 3: Should Company X recognize interim (quarterly) losses of the business even if it is projected that it will have a profit for the full year?

Interpretive Response: Yes. However, for quarters for which the business has net income, such net income may be recognized by Company X to the extent of any cumulative quarterly losses within the same fiscal year. Similarly, quarterly losses of the business need not be recognized by Company X except to the extent that they exceed any cumulative quarterly net income within the same fiscal year. Disclosure of this accounting treatment should be made in the notes to Company X's interim financial statements.

Question 4: If the accounting treatment described above is applied to the transaction, when should a gain or loss on the transaction be recognized?

Interpetive Response: Whether or not the transaction is treated as a divestiture for accounting purposes, generally accepted accounting principles require that losses on such transactions be recognized.

When it is determined that no divestiture should be recognized for accounting purposes, it follows that gain should not be recognized until:

1. The circumstances precluding treatment of the transaction as a divestiture have changed sufficiently to permit such recognition; and,

2. Any major uncertainties as to ultimate realization of profit have been removed, that is, the consideration received in the transaction can be reasonably evaluated.

As the Commission indicated in Accounting Series Release No. 95 (quoting from the authoritative accounting literature):

Profit is deemed to be realized when a sale in the ordinary course of business is effected, unless the circumstances are

[1] The staff recognizes that Accounting Principles Board Opinion No. 18 is specifically applicable only to the use of the equity method of accounting for investments in common stock. The principles enunciated in that Opinion are also relevant in these particular circumstances, however, notably paragraph 12, which states, in pertinent part: "The equity method tends to be most appropriate if an investment enables the investor to influence the operating or financial decisions of the investee. The investor then has a degree of responsibility for the return on its investment, and it is appropriate to include in the results of operations of the investor its share of the earnings or losses of the investee."

such that the collection of the sale price is not reasonably assured.[2]

The considerations discussed above regarding recognition of a divestiture for accounting purposes are also of importance in reaching a determination as to whether or not collection of the sale price is reasonably assured and profit recognition is therefore appropriate. In addition, circumstances such as the following tend to raise questions as to the propriety of profit recognition at any given time subsequent to the transaction:

1. Evidence of financial weakness of the buyer.

2. Substantial uncertainty as to the amount of future costs and expenses to be incurred by the seller.

3. Substantial uncertainty as to the amount of proceeds to be realized because of the form of consideration received: e.g., nonrecourse debt, notes with optional settlement provisions, purchaser's stock, or other nonmonetary consideration which may be of indeterminable value.

(Where satisfaction of the buyer's obligations to the seller remains dependent on earnings of the business divested, it will frequently be appropriate for the seller to continue to measure the uncertainty of ultimate collection by the operating losses of the business.)

The degree of uncertainty surrounding ultimate realization of the consideration is a matter which must be evaluated in the light of the attendant circumstances each time realization is evaluated. The degree of uncertainty is enhanced, however, by the presence of any of the factors referred to above, and such factors must be considered in reaching a determination with respect to recognition of gain.

F. Accounting Changes not Retroactively Applied Due to Immateriality

Facts: A registrant is required to adopt an accounting principle by means of restatement of prior periods' financial statements. However, the registrant determines that the accounting change does not have a material effect on prior periods' financial statements and, accordingly, decides not to restate such financial statements.

Question: In these circumstances, is it acceptable to adjust the beginning balance of retained earnings of the period in which the change is made for the cumulative effect of the change on the financial statements of prior periods?

Interpretive Response: No. If prior periods are not restated, the cumulative effect of the change should be included in the statement of income for the period in which the change is made (not to be reported as a cumulative effect adjustment in the manner of Accounting Principles Board Opinion No. 20). Even in cases where the total cumulative effect is not significant, the staff believes that the amount should be reflected in the results of operations for the period in which the change is made. However, if the cumulative effect is material to current operations or to the trend of the reported results operations, then the individual income statements of the earlier years should be retroactively adjusted.

This position is consistent with the requirements of Statement of Financial Accounting Standards ("FAS") No. 5, "Accounting for Contingencies," FAS No. 8, "Accounting for the Translation of Foreign Currency Transactions and Foreign Currency Financial Statements," and FAS No. 13, "Accounting for Leases," which indicate that "the cumulative effect [of the change] on retained earnings at the beginning of the earliest period restated shall be included in determining net income of that period."

Topic 6: Interpretations of Accounting Series Releases

A. Accounting Series Release No. 166—Disclosure of Unusual Risks and Uncertainties in Financial Reporting

1. Market Value Changes

Facts: ASR No. 166 discusses changing risk characteristics in assets of enterprises and the need to fully disclose such changes. With respect to marketable securities, ASR No. 166 states that "consideration should be given to including disclosure on the face of the balance sheet . . . and the income statement . . . of market value changes."

Question 1: What should be the basis of judging materiality in determining whether disclosure discussed above is appropriate? Also, for how many periods should the disclosure be given?

Interpretive Response: With respect to disclosures pursuant to ASR No. 166, income statement amounts will be considered material and should be disclosed if they are material in relation to either investment income or net income. Similarly, balance sheet amounts will be considered material and should be disclosed if they are material in relation to stockholders' equity.

When such disclosure is necessary (as it will be in almost all cases involving material changes in market value as compared to investment income or net income) it should be given for all years in the statements. Disclosure should be made in all financial statements filed, as for example in an insurance company's subsidiary's separate statements, in parent company financial statements if the parent has a portfolio of its own and in consolidated statements.

Question 2: If disclosure is given on the face of the financial statements of market value changes and, significant changes occur subsequent to the end of the period but before the issuance of the financial statements, may market value changes based upon the later values be used?

Interpretive Response: The amounts shown on the face of the balance sheet and the income statement should reflect values at the end of the periods and changes in value during the period, respectively. If market values have changed substantially since year-end, that information should normally be shown in the footnote, but no objection will be made by the staff if it is also shown on the face of the statement. Recovery of market value prior to the reporting date is not sufficient reason to eliminate this disclosure since one of the primary purposes is to disclose the volatility of market values in relation to assets and net income.

B. Accounting Series Release No. 175—Rule 3A-02(e) Relating to Consolidated Financial Statements [3]

General Facts: Rule 3A-02(e) of Regulation S-X provides, in general, that separate financial statements shall be presented for consolidated subsidiaries (or group of subsidiaries) engaged in specified financial-type businesses if the subsidiaries are significant subsidiaries. Combined separate financial statements shall also be presented for nonsignificant consolidated subsidiaries in these businesses when registrant's investment in and advances to all such

[2] Accounting Research Bulletin No. 43, Chapter 1, Section A. [American Institute of Certified Public Accountants, 1953].

This passage is also quoted in paragraph 12 of Accounting Principles Board Opinion No. 10 [American Institute of Certified Public Accountants, 1966], footnote 8, which states, in pertinent part: "The Board recognizes that there are exceptional cases where receivables are collectible over an extended period of time and, because of the terms of the transactions or other conditions, there is no reasonable basis for estimating the degree of collectibility. When such circumstances exist, and as long as they exist, either the installment method or the cost recovery method of accounting may be used."

[3] In Accounting Series Release No. 281, September 2, 1980, Rule 4-02(e) of Regulation S-X [adopted in ASR No. 175] was redesignated as Rule 3A-02(e). In addition, the Commission is reexamining Rule 3A-02(e) along with requirements for other types of separate financial statements and expects to issue rule proposals in the near future.

subsidiaries exceed 10 percent of total assets on a registrant's balance sheet. Notwithstanding these requirements, separate statements may be omitted under certain conditions specified in the Rule.

1. Definitions

a. Engaged in the Business.

Facts: A consolidated subsidiary has operations in one of the businesses specified in Rule 3A–02(e) and in another business not specified in the Rule.

Question: Would such subsidiary be regarded as engaged in one of the businesses specified in the Rule?

Interpretive Response: A consolidated subsidiary should be regarded as engaged in one of the specified financial-type businesses if its primary activity is in that business. For example, if more than 50 percent of the revenues of a leasing subsidiary are derived from finance leases, it would be considered as engaged in the "finance" business.

Facts: A significant consolidated subsidiary is engaged in a "finance" business not identified in the Rule, as for example in the credit card business.

Question: Would Rule 3A–02(e) apply to such subsidiary?

Interpretive Response: Yes. The Rule applies to consolidated subsidiaries which are, in substance, engaged in the "finance" business. A credit card company is engaged in the "finance" business.

b. All Nonsignificant Consolidated Subsidiaries not Otherwise Included.

Facts: The Rule specifies a test to determine whether separate financial statements are required for "all nonsignificant consolidated subsidiaries not otherwise included in groups above."

Question: Does this phrase encompass subsidiaries engaged in manufacturing?

Interpretive Response: No. This phrase is directed to all nonsignificant consolidated subsidiaries engaged in one or more of the financial-type businesses such as life insurance, fire and casualty insurance, securities broker-dealer, finance (which group includes similar activities such as factoring, mortgage banking and leasing, exclusive of subsidiaries with only non-financing leases), savings and loan or banking (including all subsidiaries of banks) for which financial statements are not otherwise presented separately or in group financial statements. Nonetheless, there may be instances that in order to adequately present the financial condition of the consolidated entity separate financial statements of consolidated manufacturing subsidiaries should be presented; in such instances the Commission may, by informal written notice, require the inclusion of the separate statements of the manufacturing subsidiaries.

c. Registrant's Investment.

Facts: The Rule refers to "Registrant's investment (including current and noncurrent advances)."

Question: Do guarantees of a subsidiary's indebtedness by a registrant affect its investment?

Interpretive Response: Yes. Where the registrant has guaranteed indebtedness of a nonsignificant consolidated subsidiary engaged in a business described in Rule 3A–02(e), the amount of guaranteed indebtedness is to be considered an advance in determining the amount of the registrant's investment in and advances to such subsidiary. The amount of guaranteed indebtedness should also be added to the parent company's total assets since, for the purpose of this test, the funds may be considered in substance a borrowing by the parent company with the related proceeds advanced to the subsidiary.

d. Registrant's Total Assets.

Facts: Rule 3A–02(e) requires separate financial statements (combined if appropriate) of certain nonsignificant consolidated subsidiaries "when registrant's investment (including current and noncurrent advances) in all such subsidiaries exceeds 10 percent of total assets on registrant's balance sheet."

Question 1: Does "registrant's" balance sheet mean the "parent company only" balance sheet?

Interpretive Response: Yes.

Question 2: Where the parent company only balance sheet reflects investments in subsidiaries at cost, should such investments be adjusted to the equity method for the purpose of making the test under this Rule?

Interpretive Response: Yes.

e. Income (or Loss) Before Income Taxes and Extraordinary Items.

Facts: In testing whether financial statements may be omitted under 3A–02(e)(1), reference is made to "income (or loss) before income taxes and extraordinary items."

Question: Does such income include discontinued operations and exclude the cumulative effect of an accounting change?

Interpretive Response: Yes.

f. Proportionate Share.

Facts: The only asset of a holding company is an 89 percent equity interest in a subsidiary engaged in one of the financial-type businesses specified in the Rule. Rule 3A–02(e)(1) allows omission of separate financial statements "if the registrant's and registrant's other subsidiaries' proportionate share (based on their equity interests) of (i) total assets . . . (ii) total sales and revenues . . . and (iii) income . . . exceeds 90 percent of the corresponding amounts on the consolidated financial statements."

Question: Would separate financial statements of the 89 percent owned subsidiary be required?

Interpretive Response: No. Interpreted literally, the exemption from filing separate financial statements would never be available unless the registrant and registrant's other subsidiaries own more than 90 percent of the equity interests of a consolidated subsidiary, regardless of the percentage of the consolidated financial statements amounts attributable to such subsidiary. This literal interpretation, however, does not reflect the intention of the exemption. The tests under subparagraph (1) should be made by comparing total assets (after intercompany eliminations), total sales and revenues (after intercompany eliminations), and income (or loss) before income taxes and extraordinary items of the consolidated subsidiary (or group of subsidiaries) being tested to the related consolidated amounts in order to determine if each exceeds 90 percent of the consolidated totals.

g. Average Income.

Facts. In testing whether the income (or loss) before income taxes and extraordinary items of a subsidiary or group of subsidiaries exceeds 90 percent of the consolidated amount, the average consolidated income or average consolidated loss for the last five fiscal years may be used in the computation.

Question: Is special treatment of loss years in computing average consolidated income or income years in computing average consolidated loss permitted or required?

Interpretive Response: Rule 3A–02(e)(1) neither permits nor requires any special treatment of loss years in computing average consolidated income or income years in computing average consolidated loss. Consequently, a simple arithmetic average of consolidated income or loss for the last five years is to be used. (Note that the averaging provisions in the Rule only apply to the consolidated statements and not to those of the consolidated subsidiary or group of subsidiaries being tested.) Additionally, the average consolidated income (or loss) may be substituted for the most recent year's consolidated income (or loss) only when the average and the most recent year's amounts are both income or both loss.

h. Sales and Revenues Derived from Registrant.

Facts: A subsidiary in the finance business purchases installment contracts arising from sales made by its parent and by the parent's other subsidiaries.

Question: Are the revenues (interest income) which are earned on the installment contracts considered as being "derived from" the parent and its other subsidiaries as contemplated by Rule 3A-02(e)(2)?

Interpretive Response: Yes. For the purpose of Rule 3A-02(e)(2) the sales and revenues of a subsidiary shall be deemed to be derived from the registrant and the registrant's other subsidiaries if they are dependent on the operations of these entities.

2. Tests under Rule 3A-02(e).

a. Financial Statements Used.

Facts: The Rule provides for certain percentage tests, in addition to those provided by Rule 1-02 of Regulation S-X, to determine whether separate financial statements of consolidated subsidiaries are required to be presented. Rule 1-02 specifies that the most recent annual financial statements are to be used to determine a "significant subsidiary."

Question: What financial statements should be used in making the tests described in Rule 3A-02(e)?

Interpretive Response: In general, the most recent annual financial statements should be used for all tests in applying the rule. However, if the composition of the consolidated financial-type subsidiaries has significantly changed since the most recent annual period, additional separate financial statements may be required (or certain separate financial statements may be omitted) based on the application of the tests to the most recent financial statements in a filing, as indicated in the following item.

b. Additional Statements/Omission of Statements.

Facts: The Commission has the general authority to require, by informal written notice, the filing of other financial statements in addition to or in substitution for, the financial statements technically required by Regulation S-X, or to permit, by informal written request, the omission of certain financial statements that would otherwise be required to be filed.

Question: Under what circumstances might additional financial statements be required or might financial statements otherwise required be permitted to be omitted?

Interpretive Response: Where a financial-type subsidiary is acquired subsequent to the most recent annual period, and additional separate financial statements are indicated by applying the tests under Rule 3A-02(e) to the most recent financial statements included in the filing, such additional financial statements are usually required to be presented. Conversely, where a financial-type subsidiary is disposed of subsequent to the most recent annual period, separate financial statements with respect to such subsidiary are usually permitted to be omitted.

Separate financial statements of a subsidiary (or group of subsidiaries) engaged in the same business as the registrant and constituting all of its significant subsidiaries would not provide meaningful information in addition to that disclosed in the consolidated statements, and such separate statements may not be required.

Where parent-only and consolidated financial statements are presented, and all of the consolidated subsidiaries are engaged in only one of the financial-type businesses cited in the Rule, separate statements for the consolidated subsidiaries may not be required.

c. Tests Apply to Subsidiary as a Whole.

Facts: The primary activity of a subsidiary is in one of the financial-type businesses cited in the Rule, but the subsidiary also has activity in a nonfinancial-type business.

Question: How would the tests under Rule 3A-02(e) be applied to the subsidiary's financial statements?

Interpretive Response: If the primary activity of a consolidated subsidiary is determined to be of a financial-type business described in the Rule, the tests to determine the financial statement requirements shall be applied to the financial statements of that subsidiary as a whole, including all of the activities of that subsidiary.

d. Application of Tests.

Facts:	
Parent Company Assets	$60,000,000
Consolidated Assets	100,000,000
Assets of Consolidated Subsidiaries Life Insurance:	
Subsidiary No. 1	14,000,000
Subsidiary No. 2	4,000,000
Total	18,000,000
Fire and Casualty Insurance:	
Subsidiary No. 3	4,000,000
Subsidiary No. 4	4,000,000
Subsidiary No. 5	3,000,000
Total	11,000,000
Finance:	
Subsidiary No. 6	2,000,000
Bank:	
Subsidiary No. 7	6,000,000
Savings and Loan:	
Subsidiary No. 8	8,000,000
Parent Company's Investment Including Current and Noncurrent Advances:	
Subsidiary No. 6	1,500,000
Subsidiary No. 7	4,000,000
Subsidiary No. 8	4,000,000
Total	9,500,000

The parent's and its other subsidiaries' proportionate share of sales and revenues and equity in income before income taxes and extraordinary items of Subsidiaries 2, 3, 4 and 5, 6, 7 and 8 are less than 10 percent of the consolidated totals.

Question: With respect to the facts presented above, for which subsidiaries must separate financial statements be filed?

Interpretive Response: Since Life Insurance Subsidiary No. 1 is a significant subsidiary, separate or combined financial statements are required to be presented for both life insurance subsidiaries. Also, since the three fire and casualty insurance subsidiaries in the aggregate meet the tests of a significant subsidiary, separate or combined financial statements are required to be presented for those subsidiaries. In addition, combined financial statements of the remaining subsidiaries, Nos. 6, 7 and 8 are required.

If it is demonstrated to the satisfaction of the staff that it is impracticable to furnish combined statements of all the remaining subsidiaries (Nos. 6, 7 and 8), the staff generally will permit the combined statements to exclude the financial statements of any subsidiaries in which the parent's aggregate investment (including current and noncurrent advances) in such omitted subsidiaries does not exceed 10 percent of the assets on the parent company's balance sheet, provided, however, that the notes to the combined financial statements explain the nature of the businesses for which financial statements have been omitted and the reason it is deemed impracticable to include the financial statements of the omitted subsidiaries. Thus, in this instance, assuming the staff agrees that furnishing the combined financial statements of the remaining subsidiaries is impracticable, financial statements of either Subsidiary 7 or 8, at a minimum, would be required. (In general, financial statements for the larger or otherwise more important nonsignificant subsidiaries would be expected to be presented.)

3. Financial Statements to be Presented

a. Subsidiaries.

Facts: The parent company and one of its significant subsidiaries are both engaged in the "finance" business.

Question: Should the operations of the parent company which relate to the finance business be combined with those of the subsidiary in presenting

separate statements under Rule 3A–02(e)?

Interpretive Response: No. The business activities for which financial statements may be required pursuant to Rule 3A–02(e) are limited to those conducted by subsidiary companies. If both the registrant and certain of its subsidiaries are engaged in the same financial-type business, the tests to determine if financial statements pursuant to the provisions of Rule 3A–02(e) are required, and the separate financial statements presented, apply only to the subsidiaries.

b. Subsidiaries of Subsidiaries.

Facts: The following elements comprise registrant's consolidated financial statements:

Registrant—holding company

Significant Subsidiary Life Insurance Company (significant both with and without the assets and operations of its wholly-owned casualty insurance subsidiary)

Significant Subsidiary Casualty Insurance Company (a subsidiary of the life insurance company) (significant both to the registrant consolidated and to the consolidated statements of its life insurance parent).

Question: What financial statements are required?

Interpretive Response: In addition to the consolidated financial statements of the registrant (and possibly the unconsolidated financial statements of the registrant), financial statements of the life insurance company and financial statements of the casualty insurance company are required.

Rule 3A–02(e) is not intended to require the inclusion of separate or combined financial statements of second tier subsidiaries (the casualty insurance company in this case) when such subsidiaries are significant to the first tier subsidiary but not significant to the consolidated registrant. However, if the second tier subsidiary is engaged in a financial-type business different from that of the first tier subsidiary and the second tier subsidiary is significant to the consolidated registrant, then financial statements of the second tier subsidiary are required.

Facts: The following elements comprise registrant's consolidated financial statements:

Registrant—holding company
Significant Subsidiary Bank and its subsidiary, Credit Life No. 1
Significant Subsidiary Finance and its subsidiary, Credit Life No. 2
Significant Subsidiary, Credit Life No. 3

Question: Does Rule 3A–02(e) require separate financial statements for the group of subsidiaries in the credit life insurance business?

Interpretive Response: Generally credit life insurance subsidiaries of banks and finance companies are an integral part of the operations of their parents and substantially all of their business activities are closely related to the business activities of the parent. If this is the case in this situation then separate financial statements should be presented for (a) Subsidiary Bank, consolidated with its subsidiary, Credit Life No. 1; (b) Subsidiary Finance Co., consolidated with its subsidiary Credit Life No. 2, and (c) Subsidiary Credit Life No. 3.

c. Number of Financial Statements.

Facts: ASR No. 175 states that "under unusual circumstances as many as four separate sets of statements may be needed."

Question: Is this statement intended to identify the maximum number of sets of financial statements which might be required pursuant to Rule 3A–02(e)?

Interpretive Response: No.

4. Presentation of Financial Statements.

a. Significant Subsidiaries.

Facts: Rule 3A–02(e) requires presentation of separate statements for "each significant consolidated subsidiary or each group of consolidated subsidiaries which in the aggregate meets the tests of a significant subsidiary engaged in the business of . . . ."

Question: Are group financial statements required and, if presented, should the group financial statements include subsidiaries in more than one of the businesses cited in the Rule?

Interpretive Response: Financial statements of significant consolidated subsidiaries required under the tests of Rule 3A–02(e) may be presented separately or combined in groups. Group financial statements of such subsidiaries, if presented, should be confined to subsidiaries primarily engaged in the same business.

b. Nonsignificant Subsidiaries.

Facts: Rule 3A–02(e) requires separate "combined" financial statements for certain nonsignificant consolidated subsidiaries.

Question: May separate financial statements be presented individually for subsidiaries in this group?

Interpretive Response: Yes.

c. General Form and Content.

Question: To what extent does Regulation S–X govern the form and content of the separate and combined financial statements presented pursuant to the Rule?

Interpretive Response: Separate financial statements combined and financial statements of subsidiaries in the same financial-type business shall be presented in accordance with the applicable Article in Regulation S–X including all appropriate disclosures (i.e., disclosures required under generally accepted accounting principles as well as those required by Regulation S–X) except supporting schedules need not be furnished. If disclosures necessary for the separate financial statements and combined financial statements of subsidiaries in the same financial-type business are included in notes to the consolidated or other financial statements included in the filing, such disclosures need not be repeated if appropriate cross-reference to the disclosures is made.

In applying Regulation S–X to the financial statements of a particular group of nonsignificant consolidated subsidiaries, consideration should be given to the following presentation:

—Combined financial statements prepared in accordance with the Article in Regulation S–X applicable to the financial-type business activity that dominates the combined financial statements.

—Combined financial statements segmented to reflect groups of separate accounts of the various financial-type business activities in the statement. When this type of presentation is made, the appropriate Article in Regulation S–X should be considered for each group of separate accounts.

5. Separate Financial Statements in Form 10–Q.

Facts: The requirements for financial information in Form 10–Q were revised in Securities Act Release No. 5611. In general, the financial statement information must follow the general form of presentation set forth in Regulation S–X, with certain enumerated exceptions.

Question: Is Rule 3A–02(e) required to be followed in financial statements in Form 10–Q?

Interpretive Response: Although not enumerated as an exception, Rule 3A–02(e) is not required to be followed.

C. Accounting Series Release No. 250—Disclosure of Relationships with Independent Public Accountants

1. Audit vs. Non-audit Services.

Facts: Instruction No. 1 to Item 8(g) of the proxy rules states in part that "all fees for services provided in connection with the audit function (e.g., reviews of quarterly reports, filings with the Commission, and annual reports) may be computed as part of the audit fees."

Question 1: What other services does the staff believe meet the criterion of

being "services provided in connection with the audit function"?

Interpretive Response: The following are additional examples of services provided by the principal accountant that the staff believes may meet the criterion:

- Meetings with the audit committee or the board of directors on matters related to the audit.
- Reviews of the system of internal accounting control for the purpose of determining the adequacy of the system, or reviews of the issuer's procedures for making such determinations.
- Review of tax provisions to determine appropriateness.
- Consultations during the year on matters related to accounting and financial reporting.
- Review of financial and related information that is to be included in filings with the Commission and other regulatory agencies.
- Preparation of a letter to management on matters coming to the accountants' attention during an examination of financial statements.
- Limited reviews of financial information to be included in interim reports to shareholders and other investors or otherwise made public.
- Issuance of "comfort" letters to underwriters.
- Reviews of sensitive payments or compliance with corporate codes of conduct when done in conjunction with the examination of financial statements.
- Audits of entities that have been acquired by the issuer.
- Reviews of compliance with restrictive clauses in loan indentures or other agreements.
- Services performed in connection with the issuance of special reports under Statement of Auditing Standards No. 14.

The staff believes the following are among the services which do not meet the criterion:

- Reviews or examination of financial records, business practices, etc. of companies which the issuer is considering acquiring.
- Internal control services provided for the purpose of designing or redesigning systems and procedures.
- Preparation of tax returns or the rendering of tax advice.
- Assistance with tax authority examinations.
- Reviews of or assistance in the preparation of feasibility studies or limited purpose forecasts and projections.

Question 2: Should audit services provided to the employee benefit plans of an issuer be included in the disclosures of non-audit services where the issuer engages the independent accountant for such services?

Interpretive Response: No. The general audit services provided to employee benefit plans are typically inter-related to the examination of the issuer's financial statements and may be considered services provided in connection with the audit function. Specific non-audit services provided to employee benefit plans, however, must be included in the issuer's non-audit services disclosures.

Question 3: If tax services for executives are mandated by the audit committee as part of its monitoring of compliance with corporate conduct, should such services be disclosed as non-audit?

Interpretive Response: Yes.

2. Percentage Relationships.

Facts: Item 8(g) states, in part, "For the fiscal year most recently completed, describe each professional service provided by the principal accountant and state the percentage relationship which the aggregate of the fees for all non-audit services bear to the audit fees . . . ."

Question 1: What amount should be used as the denominator for this computation?

Interpretive Response: The amount recorded as the cost for audit, including those services provided in connection with the audit function, during the most recently completed fiscal year.

Question 2: Does each non-audit service have to be described if the percentage relationship of the individual fee is less than three percent of audit fees?

Interpretive Response: Yes. Only the individual fee relationship percentage is exempt from disclosure. However, judgment must be used to determine when it is appropriate to combine, for purposes of description, specific instances of rendering a service.

Question 3: Should the services and related fees of accountants who are an associated or correspondent firm of the principal accountant be included in the disclosures?

Interpretive Response: Yes. Such accountants are considered extensions of the principal accountant.

Question 4: Should services provided to subsidiaries of the issuer be included in the disclosures?

Interpretive Response: Yes. Services provided with repect to any subsidiaries, whether or not consolidated, should be included. Services with respect to 50% and less owned entities should be excluded, unless such entities are consolidated or unless substantially all of the fees were paid by the issuer.

Question 5: Should "out-of-pocket" expenses incurred by the accountant and reimbursed by the issuer be included in this computation?

Interpretive Response: Yes. Such expenses should be included with the services to which they apply.

Question 6: How should non-audit services not completed by year end be disclosed?

Interpretive Response: Because the staff believes there would be a high correlation between the fiscal period in which a service is provided and the fiscal period in which its cost is recorded and because, in those instances where there is a difference in these fiscal periods the effect on the disclosure is only between years, the staff will not object to issuers disclosing the services and computing the percentages using the amounts recorded as a cost by the issuer during the most recently completed fiscal year if the method is consistently followed year to year.

Question 7: If the issuer engages the principal accountant to provide tax services for the issuer's executives, do such services have to be disclosed?

Interpretive Response: Yes.

Question 8: Should services that are disclosed elsewhere in the proxy statement, such as tax services provided to executives that are disclosed as management remuneration, also be disclosed as non-audit services pursuant to Item 8(g)?

Interpretive Response: Yes

3. Approval of Non-audit Services.

Facts: Item 8(g) states, in part, "Indicate whether, before each professional service provided by the principal accountant was rendered, it was approved by, and the possible effect on the independence of the accountant was considered by, (1) any audit or similar committee of the Board of Directors and, (2) for any service not approved by an audit or similar committee, the Board of Directors."

Question: Is generic approval of non-audit services satisfactory for disclosures under this requirement?

Interpretive Response: Generic approval by the audit committee or board of directors of a defined group of non-audit services may result in an affirmative resonse to this disclosure requirement where such approval is made at least annually and includes a limitation regarding the magnitude of the services and the audit committee or board of directors subsequently compares with earlier approvals the nature and magnitude of the services actually performed.

4. Fee Arrangements.

Facts: Instruction No. 4 to Item 8(g) states, "Describe the circumstances and give details of any services provided by the registrant's independent accountant during the latest fiscal year that were furnished at rates or terms that were not customary." In Accounting Series Release No. 250, the Commission states, in part, "Fee arrangements where the accountant has agreed to a fee significantly less than a fee that would cover expected direct costs in order to obtain the client or in response to criticism of prior services are examples of situations which would require disclosures."

Question 1: What costs does the staff believe should be included in direct costs?

Interpretive Response: The staff believes that at a minimum the compensation and fringe benefits of the personnel assigned to the engagement and out-of-pocket expenses should be included in direct costs.

Question 2: Must the provision of a service without charge or at a nominal charge to an audit client be described if the accountant's usual fee for such service is de minimis?

Interpretive Response: No description of the circumstances is necessary if the service is concomitant to the audit and if the accountant's normal fee for such a service is de minimis.

D. Accounting Series Release No. 257—Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities

1. Estimates of Quantities of Proved Reserves.

Facts: Rule 4–10 contains definitions of proved reserves, proved developed reserves, and proved undeveloped reserves to be used in determining quantities of oil and gas reserves to be reported in filings with the Commission.

Question 1: The definition of proved reserves states that reservoirs are considered proved if "economic producibility is supported by either actual production or conclusive formation test." May oil and gas reserves be considered proved if economic producibility is supported only by core analyses and/or electric or other log interpretation?

Interpretive Response: Economic producibility of estimated proved reserves can be supported to the satisfaction of the Office of Engineering if geological and engineering data demonstrate with reasonable certainty that those reserves can be recovered in future years under existing economic and operating conditions. The relative importance of the many pieces of geological and engineering data which should be evaluated when classifying reserves cannot be identified in advance. In certain instances, proved reserves may be assigned to reservoirs on the basis of a combination of electrical and other type logs and core analyses which indicate the reservoirs are analogous to similar reservoirs in the same field which are producing or have demonstrated the ability to produce on a formation test.

Question 2: In determining whether "proved undeveloped reserves" encompass acreage on which fluid injection (or other improved recovery technique) is contemplated, is it appropriate to distinguish between (i) fluid injection used for pressure maintenance during the early life of a field and (ii) fluid injection used to effect secondary recovery when a field is in the late stages of depletion? The definition in Rule 4–10(a)(4) does not make this distinction between pressure maintenance activity and fluid injection undertaken for purposes of secondary recovery.

Interpretive Response: The Office of Engineering believes that the distinction identified in the above question may be appropriate in a few limited circumstances, such as in the case of certain fields in the North Sea. The staff will review estimates of proved reserves attributable to fluid injection in the light of the strength of the evidence presented by the registrant in support of a contention that enhanced recovery will be achieved.

Question 3: What volumes of natural gas liquids should be reported as net reserves, that portion recovered in a gas processing plant and allocated to the leasehold interest or the total recovered by a plant from net interest gas?

Interpretive Response: Companies should report reserves of natural gas liquids which are net to their leasehold interests, i.e., that portion recovered in a processing plant and allocated to the leasehold interest. It may be appropriate in the case of natural gas liquids not clearly attributable to leasehold interests ownership to follow instruction (b) of Item 2(b)(3) of Regulation S–K and report such reserves separately and describe the nature of the ownership.

Question 4: What pressure base should be used for reporting gas and production, 14.73 psia or the pressure base specified by the state?

Interpretive Response: The reporting instructions to the Department of Energy's Form EIA–28 specify that natural gas reserves are to be reported at 14.73 psia and 60 degrees F. There is no pressure base specified in Regulation S–X or S–K. At the present time the staff will not object to natural gas reserves and production data calculated at other pressure bases, if such other pressure bases are identified in the filing.

2. Estimates of Future Net Revenues.

Facts: Paragraph (k)(6) of Rule 4–10 requires the disclosure of the estimated future net reserves from production of proved oil and gas reserves, computed by applying current prices of oil and gas (with consideration of price changes only to the extent provided by contractual arrangements) to estimated future production as of the latest balance sheet date, less estimated future expenditures (based on current costs) of developing and producing the proved reserves, and assuming continuation of existing economic conditions.

Question 1: For purposes of determining reserves and estimated future net revenues, what price should be used for gas which will be produced after an existing contract expires or after the redetermination date in a contract?

Interpretive Response: The price to be used for gas which will be produced after a contract expires or has a redetermination is the current market price at the end of the fiscal year for that category of gas plus any fixed and determinable price escalations applicable to that category of gas under the Natural Gas Policy Act of 1978 (NGPA) through the date of expiration or redetermination. This price may be increased thereafter only for additional fixed and determinable escalations, as appropriate, for that category of gas. A fixed and determinable escalation is one which is specified in amount and is not based on future events such as rates of inflation.

Question 2: What price should be applied to gas which at the end of a fiscal year is not yet subject to a gas sales contract?

Interpretive Response: The price to be used is the current market price for similarly situated gas at the end of the fiscal year plus, for estimated future production, fixed and determinable escalations to be allowed by the NGPA, provided the company can reasonably expect to sell the gas at the prevailing market price.

Question 3: What price should be used for gas which will be produced in the future after a well is contemplated to become a "stripper" well?

Interpretive Response: At the time in the future when it is contemplated that a gas well will qualify for stripper classification, the current price for stripper gas (adjusted for fixed and determinable escalations to the date that stripper status is attained) may be used. This assumes that the gas is not subject to a contract at a lower price.

Question 4: In connection with the pricing of oil, what price should be used for oil which will be produced after a well becomes a stripper well?

Interpretive Response: Oil that is estimated to be produced after a well qualifies as a stripper should be valued using the current price for stripper oil in effect at the end of the fiscal year.

Question 5: The NGPA appears to retain certain pricing provisions of the 1938 Natural Gas Act for natural gas dedicated to interstate commerce prior to the enactment of the 1978 Act (November 9, 1978). If natural gas dedicated to interstate commerce prior to November 9, 1978, is subject to a gas purchase contract that expressly incorporates the price escalation provisions of the Federal Power Commission Opinion No. 770–A under the 1938 Act, may a determination of the price of such gas take into account these escalation provisions even though Rule 4–10(a)(2) of Regulation S–X prohibits adjustment for inflation?

Interpretive Response: The rules specify the use of current prices plus future fixed and determinable escalations. If the company determines that FPC Opinion No. 770–A prices are to be received and the escalation provisions of that Opinion are incorporated in the gas purchase contract, those specified escalations are considered fixed and determinable. If NGPA prices are to be received, only those escalations not based on inflation can be considered.

Question 6: Under what condition can appropriate NGPA prices and escalations be used for contracts which have area rate escalations and are now being amended to specify NGPA prices?

Interpretive Response: The response to this question is similar to the preceding response. If the NGPA price will be received under the present contract, escalations that are fixed and determinable may be considered.

Question 7: Since April 1979, as directed by the President, the Department of Energy has issued a series of regulations designed to phase out price controls on domestic crude oil by October 1, 1981. Lower tier oil was moved to upper tier prices at the rate of 1.5 percent per month starting June 1, 1979, and lower tier oil has been moving to upper tier prices at the rate of 3 percent per month starting January 1, 1980. Beginning January 1, 1980, producers were permitted to sell each month an additional 4.6% of their upper tier oil at the uncontrolled market price. A "windfall profits" tax on the increased selling price of controlled oil attributed to this phased decontrol has also been enacted. To what extent should these pricing changes and taxes be taken into consideration in estimating future net revenues?

Interpretive Response: Registrants should give full effect to price increases associated with phased decontrol. Future monthly reclassifications of oil from lower to upper tier and from upper tier to uncontrolled market price should generally be priced at the prices being received for the applicable categories at the date of the reserve valuation. In addition, the "windfall profits" tax should be considered in computing future net revenues.

Question 8: To what extent should price increases announced by OPEC or by certain government agencies not yet effective at the date of the reserve report be considered in determining current prices?

Interpretive Response: Current prices should not reflect price increases announced but not yet effective at the date of the reserve valuation, i.e., the end of the fiscal year.

3. Disclosure of Reserve Information.

a. Income Tax Effects.

Facts: Income taxes are excluded from the computation of future net revenues and present values required pursuant to paragraph (k)(6) of Rule 4–10.

Question: Is it acceptable to compute the estimated income taxes related to the future net revenues and report net-of-tax present value amounts in addition to the pretax present value amounts?

Interpretive Response: Yes. The staff encourages registrants to present net-of-tax disclosures. The method used to compute the estimated income tax should be adequately explained.

b. Unproved Properties.

Facts: Disclosures of reserve information are based on estimated quantities of proved reserves of oil and gas. Regulation S–K prohibits disclosure of estimated quantities of probable or possible reserves of oil and gas and any estimated value thereof in any document publicly filed with the Commission.

Question: What types of disclosures will be permitted by registrants who wish to indicate that some of their properties have value other than that attributable to proved reserves?

Interpretive Response: The Office of Engineering has, for the past several years, suggested to registrants the following form of disclosure for undeveloped lease acreage:

"In addition to proved reserves, the estimated (or appraised) value of leases or parts of leases to which proved reserves cannot be attributable is $xxx."

The registrant should describe the basis on which the estimate was made. For example, such estimated values are often based on the market demand for leasehold acreage which, in turn, is based on a number of qualitative factors such as proximity to production. If the disclosed amount is based on an appraisal, the person making the appraisal should be named.

c. Limited Partnership 10–K Reports.

Facts: Regulation S–K contains an exemption from the requirements of Item 2(b) to disclose certain information relating to oil and gas operations for "limited partnerships or joint ventures that conduct, operate, manage, or report upon oil and gas drilling income programs which acquire properties either for drilling and production, or for production of oil, gas, or geothermal steam." Regulation S–X does not contain a similar exemption from the disclosure requirements of Rule 4–10(k).

Limited partnership agreements often contain buy-out provisions under which the general partner agrees to purchase limited partnership interests that are offered for sale, based upon a specified valuation formula. Because of these arrangements, the requirements of Regulation S–X disclosure of reserve value information may be of little significance to the limited partners.

Question: Must the financial statements of limited partnerships included in reports on Form 10–K contain the disclosures of estimated future net revenues, present values and changes therein, and supplemental summary of oil and gas activities specified by paragraphs (k)(6), (k)(7) and (k)(8) of rule 4–10?

Interpretive Response: The staff will not take exception to the omission of these disclosures in a limited partnership Form 10–K if reserve value information is available to the limited partners pursuant to the partnership agreement (even though the valuations may be computed differently and may be as of a date other than year end). However, the staff will require all of the information specified by paragraph (k) of Rule 4–10 for partnerships which are the subject of a merger or exchange offer under which various limited partnerships are to be combined into a single entity.

d. Limited Partnership Registration Statements.

Facts: The staff requires that a registration statement relating to an offering of limited partnership interests include the most recent year-end balance sheet of the general partner. This is considered necessary for purposes of assessing the financial responsibility of the general partner.

Question: What disclosures of oil and gas reserve information must accompany the balance sheet of the general partner?

Interpretive Response: Disclosures should include oil and gas reserve information that pertains to the balance sheet, i.e., the estimate year-end quantities of proved oil and gas reserves and the estimated future net revenues and present values thereof specified by paragraphs (k)(5) and (k)(6) of Rule 4–10.

4. Filings by Canadian Registrants.

Facts: Canadian registrants subject to sections 13 or 15(d) of the Securities Exchange Act generally are required to file annual reports on Form 10–K, and are therefore required to comply with the provisions of Regulation S–X. However, many Canadian oil and gas companies currently follow Canadian generally accepted accounting principles in the presentation of their financial statements, rather than the prescribed form of either successful efforts or full cost contained in Rule 4–10 of Regulation S–X.

Question: May Canadian oil and gas companies continue to follow Canadian generally accepted accounting principles for purposes of reports on Form 10–K? If so, what disclosures are required to be included?

Interpretive Response: A Canadian registrant following a method of accounting other than one of the prescribed methods contained in Rule 4–10 of Regulation S–X may continue to follow such method but should describe the differences in a footnote and include a reconciliation showing the net income that would be reported pursuant to the Commission's rules. In addition, all Canadian registrants should include the disclosures specified by paragraph (k) of Rule 4–10, including oil and gas reserve quantities, estimated future net revenues, present value information, and the supplemental summary of oil and gas producing activities.

E. Accounting Series Release No. 269—Oil and Gas Producers—Supplemental Disclosures on the Basis of Reserve Recognition Accounting

1. Provision for Income Taxes

Facts: The rules for the supplemental summary of oil and gas producing activities on the basis of reserve recognition accounting require a provision for income taxes based on the liability method.

Question: How should this provision for income taxes be computed?

Interpretive Response: Assume the following costs and estimated future net revenues for proved properties added in Year 0:

	Years				Total	Present value
	0	1	2	3–5		
Lease costs	$3,000					
Exploration costs:						
IDC	2,000					
Tangible	1,000					
Development costs	6,000					
Total costs	12,000					
Sales		$10,000	$30,000	$60,000	$100,000	$75,620
Production costs		2,000	6,000	14,000	22,000	16,366
Development costs		9,000		4,000	13,000	10,664
Estimated future net revenues		(1,000)	24,000	42,000	65,000	48,590

Additional assumptions are as follows:	
At the beginning of Year 0:	
Present value of future net revenues	$30,000
Tax basis of proved properties	$5,000
Tax liability related to prior additions	$12,500
Year 0 activity:	
Sales	0
Revisions	$2,000
Accretion of discount (30,000 × 10 pct)	$3,000
Tax basis of Year 0 properties (3,000 + 1,000 + 6,000)	$10,000
Tax rates:	
Prior years (percent)	50
Current year (percent)	46
The Summary of Oil and Gas Producing Activities for Year 0 would show the following:	
Additions to proved reserves	$75,620
Revisions	$2,000
Accretions of discount	$3,000
Total	$80,620
Costs of exploration and development:	
Incurred in current year	$12,000
Estimated future development and production costs (present value)	$27,030
Total	$39,030
Additions and revisions to proved reserves over evaluated costs	$41,590
Provision for income taxes (see computation)	$16,365
Results of oil and gas producing activities on the basis of reserve recognition accounting	$25,225
Tax computation—Year 0:	
Present value of future net revenues:	
Current year additions	$48,590
Additions in prior years (30,000 + 2,000 + 3,000)	$35,000
Total	$83,590
Less tax basis (5,000 + 10,000)	($15,000)
Future taxable income	$68,590
Current tax rate, (percent)	46
Total	$31,551
Less: Investment tax credit on future development costs (present value)	($1,066)
Liability for taxes payable in the future	$30,485
Less: Income taxes previously accrued	($12,500)
Provision for taxes payable in future years	$17,985(A)
Current tax provisions:	
Taxable income (loss)	($2,000)
Tax rate (percent)	46
Total	($920)
Investment tax credit (10 pct of $7,000 tangible exploration and development costs)	($700)
Total	($1,620)(B)
Total tax provision	$16,365(A&B)

F. Accounting Series Release No. 125—Adoption of Amendments to Regulation S–X

1. Rule 12–03.

Facts: Accounting Series Release No. 125 amended, among others, Rule 12–03 of Regulation S–X. The amended rule specifies the form and content of the schedule required by Rule 5–04 in support of financial statements in certain filings with regard to amounts receivable from related parties and underwriters, promoters, and employees other than related parties.

Question: Do the requirements of Rule 12–03 extend to amounts receivable from underwriters, promoters, et al., of subsidiaries of the person for whom the financial statements are filed that are included in the registrant's financial statements on either an equity or fully consolidated basis?

Interpretive Response: Yes. As indicated in Rule 5–04, the requirements of Rule 12–03 extend to amounts receivable from persons among all the enumerated categories, whether their relationships are with the person for whom the financial statements are filed or with the related parties of that person, including subsidiaries included in consolidated financial statements.

G. Accounting Series Release No. 177—Relating to Amendments to Form 10–Q and Regulation S–X Regarding Interim Financial Reporting

Facts: Accounting Series Release No. 177 amended the disclosure requirements for quarterly data on Form 10–Q. The disclosure requirements include condensed financial statements, a narrative analysis of results of operations, the approval of any accounting change by the registrant's independent public accountant, and a signature by the registrant's chief financial officer or chief accounting officer. In addition, it requires disclosure of selected quarterly data by registrants who meet criteria set forth in the release as to size and trading activity.

1. Selected Quarterly Financial Data (Item 12 of Regulation S–K)[4].

a. Applicability to Interim Financial Statements Included in a Registration Statement.

Question 1: Is the quarterly data required by Item 12 of Regulation S–K applicable to a calendar year-end company filing a registration statement which includes interim financial statements for the subsequent six-month period ended June 30?

Interpretive Response: Yes. Item 12 of Regulation S–K requires disclosure of quarterly financial data for each quarter in the six-month interim period.

b. Disclosure of Selected Quarterly Financial Data.

Facts: Item 12 of Regulation S–K requires disclosure of net sales, gross profit, income before extraordinary items and cumulative effect of a change in accounting, per share data based upon such income, and net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented. It also requires the registrant to describe the effect of any disposals of segments of a business and extraordinary, unusual or infrequently occurring items recognized in each quarter, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter. Furthermore, it requires a reconciliation of amounts previously reported on Form 10–Q to the quarterly data presented if the amounts differ.

Question 1: Are these disclosures required for parent company only financial statements when such financial statements are presented in addition to consolidated financial statements?

Interpretive Response: No.

Question 2: Are the disclosure requirements of Item 12 applicable to supplemental financial statements included in a filing with the SEC for unconsolidated subsidiaries and 50% or less owned persons or for consolidated subsidiaries engaged in financial activities in accordance with Rule 3A–02(e) of Regulation S–X?

Interpretive Response: The summarized quarterly financial data required by Item 12 need not be included in supplemental financial statements for unconsolidated subsidiaries and 50% or less owned persons or consolidated subsidiaries engaged in financial activities unless the financial statements are for a subsidiary or affiliate that is itself a registrant which does not meet the conditions for exemption in Item 12(a)(1).

Question 3: If a company is in a specialized industry where "gross profit" generally is not computed (e.g., banks, insurance companies and financial companies), what disclosure should be made to comply with the requirements of Item 12?

Interpretive Response: Companies in specialized industries should present summarized quarterly financial data which are most meaningful in their

[4] In Accounting Series Release No. 280, September 2, 1980, the requirements for selected quarterly financial data were moved from Regulation S–X [Rule 3–16(t)] to Regulation S–K [Item 12].

particular circumstances.

For example, a bank might present interest income, interest expenses, provision for loan losses, security gains or losses and net income. Similarly, an insurance company might present net premiums earned, underwriting costs and expenses, investment income, security gains or losses and net income.

Question 4: If a company wishes to make its quarterly and annual disclosures on the same basis, would disclosure of costs and expenses associated directly with or allocated to products sold or services rendered, or other appropriate data to enable users to compute "gross profit," satisfy the requirements of Item 12?

Interpretive Response: Yes.

Question 5: What is meant by "per-share data based upon such income" as used in Item 12?

Interpretive Response: Item 12 only requires disclosure of per share amounts for income before extraordinary items and cumulative effect of a change in accounting. It is expected that when per share data is calculated for each full quarter based upon such income, the per share amounts would be both primary and fully diluted. Although it is not required by the rule, there are many instances where it would be desirable to also disclose other per share figures such as net earnings per share and the per share effect of extraordinary items. Where such disclosure is made, per share data should be both primary and fully diluted.

Question 6: What is intended by the requirement that registrants "describe the effect of" disposals of segments of a business, etc.?

Interpretive Response: The rule is intended to require registrants to "disclose the amount" of such unusual transactions and events included in the results reported for each quarter. Such disclosure would be made in narrative form. However, it would not require that matters covered by management's discussion and analysis of financial condition and results of operations be repeated. In this situation, registrants should disclose the nature and amount of the unusual transaction or event and refer to management's analysis for further discussion of the matter.

Question 7: What is intended by the requirement to disclose "the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter"?

Interpretive Response: This language is taken directly from Paragraph 31 of Accounting Principles Board Opinion No. 28 which relates to disclosures required for the fourth quarter of the year. The Opinion indicates that earlier quarters should not be restated to reflect a change in accounting estimate recorded at year end. However, changes in an accounting estimate made in an interim period that materially affect the period (quarter) in which the change occurred are required to be disclosed in order to avoid misleading comparisons. In making such disclosure, registrants may wish to identify (but not restate) the prior periods in which transactions were recorded which relate to the change in the quarter. The staff believes that the disclosure guidelines of Paragraph 31 also should apply to interim financial statements included in registration statements.

Question 8: If a company has filed a Form 8 amending a previously filed Form 10–Q, is a reconciliation of quarterly data in annual financial statements with the amounts originally reported on Form 10–Q required?

Interpretive Response: Yes. However, if the company publishes quarterly reports to shareholders and has previously made detailed disclosure to shareholders in such reports of the change reported on the Form 8, no reconciliation would be required.

c. Financial Statements Presented on Other Than a Quarterly Basis.

Facts. Item 12 requires disclosure of quarterly financial data for each full quarter of the last two fiscal years and in any subsequent interim period for which an income statement is presented.

Question 1: If a company reports at interim dates on other than a calendar-quarter basis (e.g., 12–12–16–12 week basis), will it be precluded from reporting on such basis in the future?

Interpretive Response: No, as long as it discloses the basis of interim fiscal period reporting and the interim fiscal periods on which it reports are consistently determined from year to year (or, if not, the lack of comparability is disclosed).

Question 2: If a calendar-year company presents interim income statements in a registration or proxy statement for a five-month period, would it be acceptable to only include quarterly financial data for the first quarter of the current five-month period?

Interpretive Response: In this case, quarterly financial data are required only for the first fiscal quarter included in the current five-month period.

Question 3: If a company presents an income statement in a registration or proxy statement for a cumulative twelve-month period in lieu of comparative interim period income statements and the twelve-month period does not coincide with the company's fiscal quarters (e.g., the income statement is for the twelve months ending May 31, 19x2, whereas the company's quarters are on a calendar basis), should quarterly financial data be presented for each quarterly period ending August, November, February and May.

Interpretive Response: No. Quarterly data is required for each full quarter for 19x1 and for fiscal quarters subsequent to the most recent fiscal year included in the twelve-month income statement (e.g., the quarter ending March 31, 19x2).

d. Exemption from Item 12 Requirements.

Facts: In ASR No. 177, the Commission has provided exemptions for certain smaller companies and companies whose securities are not widely traded from the disclosure requirements of Item 12. Such exemptions are based on the size of the company as measured by total assets and net income, as defined, and the extent of trading in its securities as measured by whether they are listed on a national securities exchange or quoted on the National Association of Securities Dealers Automatic Quotation System and meet the specified "actively traded" criteria set forth in the rule.

Question 1: Would a company with less than $200 million of total assets be exempted from the requirements of Item 12 if it reported a net loss before extraordinary items and a cumulative effect of a change in accounting for any one of its last three fiscal years (e.g., loss of $1 million in 19x1 and earnings of $1 million in 19x2 and 19x3)?

Interpretive Response: Yes, such a company is not required to disclose selected quarterly financial data in filings which include 1973 as the latest fiscal year because it has not had net income, as defined, of at least $250,000 for each of the last three fiscal years and also did not have total assets of at least $200 million at the last fiscal year-end.

Question 2: Should the determination of net income, as defined, for each of the last three fiscal years be adjusted for restatements of prior years' figures as a result of changes in accounting principles, business combinations (accounted for as poolings of interests), prior-period adjustments, etc?

Interpretive Response: Net income, as defined, for the last three fiscal years should be determined each year on the basis of current financial statements which included those years. Such financial statements would reflect restatements, if any, of prior years' data

in accordance with Accounting Principles Board Opinion Nos. 9, 16 and 20, and Statement of Financial Accounting Standards No. 16. However, as indicated in the interpretive response to Question 3 below, a registrant will not be required to retroactively disclose the quarterly financial data called for by Item 12 for the prior year as a result of such restatements if it was exempted from such a requirement when the prior year financial statements were originally filed with the Commission.

Question 3: Is a registrant which was previously exempt from the requirements of Item 12 but no longer meets the tests for exemption required to retroactively include the quarterly financial data for prior years' financial statements presented for comparative purposes?

Interpretive Response: No. Although Item 12 requires disclosure of selected quarterly financial data for the two most recent years, a registrant will not be required to retroactively include the quarterly financial data called for by this instruction if it was exempted from such a requirement when the financial statements were originally filed with the Commission.

Question 4: Is a closed-end investment company subject to the Investment Company Act of 1940 required to comply with the disclosure requirements of Item 12?

Interpretive Response: A closed-end investment company which has securities registered pursuant to Section 12(b) of the Exchange Act is not exempt from the requirements of Item 12. However, a closed-end investment company that is exempt from registration under Section 12(g) of the Exchange Act is exempt from the requirements of Item 12.

Question 5: Should the $200 million total assets and $250,000 net income for each of the last three fiscal years tests be made at the beginning or end of the fiscal year?

Interpretive Response: In order to facilitate the engagement of independent accountants to perform a limited review of the quarterly financial statements on a timely basis, if desired, the size and income tests of Item 12 should be applied at the beginning of the fiscal year.

2. Amendments to Form 10–Q.[5]

a. Form of Condensed Financial Statements.

Facts: Instruction 4(a)(1) to Form 10–Q provides that "(1) Balance sheets and income statements shall include only major captions (i.e., numbered captions) set forth in Regulation S–X, with the exception of Inventories where data as to raw materials, work in process and finished goods shall be included, if applicable. Where any major balance sheet caption is less than 10% of total assets and the amount in the caption has not increased or decreased by more than 25% since the previous balance sheet presented, the caption may be combined with others. When any major income statement caption is less than 15% of average net income for the most recent three years and the amount in the caption has not increased or decreased by more than 20% as compared to the next preceding comparable income statement, the caption may be combined with others." Similarly, the statement of source and application of funds may be abbreviated, starting with a single figure of funds provided by operations and showing other sources and applications individually only when they exceed 10% of the average of funds provided by operations for the most recent three years.

Question 1: Do the terms "previous balance sheet presented" and "next preceding comparable income statement" refer to the financial statements for the preceding quarter or the financial statements for the comparable period of the preceding year?

Interpretive Response: The comparison is between the preceding quarter and the current quarter. For example, in the second quarter of 19x1 the comparison would be between the March 31, 19x1 quarter and June 30, 19x1.

Question 2: If a company previously combined captions in a Form 10–Q but is required to present such captions separately in the Form 10–Q for the current quarter, must it retroactively reclassify amounts included in the prior-year financial statements presented for comparative purposes to conform with the captions presented for the current-year quarter?

Interpretive Response: Yes.

Question 3: In determining whether or not major income statement captions may be combined, does average "net income" for the last three years (using the company's last year end as the starting point) mean "net income" or income before extra-ordinary items and changes in accounting principles?

Interpretive Response: It means "net income."

Question 4: If a company uses the gross profit method or some other method to determine cost of goods sold for interim periods, will it be acceptable to state only that it is not practicable to determine components of inventory at interim periods?

Interpretive Response: The staff believes disclosure of inventory components is important to investors. In reaching this decision the staff recognizes that registrants may not take inventories during interim periods and that managements, therefore, will have to estimate the inventory components. However, the staff believes that management will be able to make reasonable estimates of inventory components based upon their knowledge of the company's production cycle, the costs (labor and overhead) associated with this cycle as well as the relative sales and purchasing volume of the company.

Question 5: If a company has years during which operations resulted in a net outflow of funds, should it exclude such years from the computation of funds provided by operations for the three most recent years in determining what sources and applications must be shown separately?

Interpretive Response: Yes. Similar to the determination of average net income, if operations resulted in a net outflow of funds during any year, such amount should be excluded in making the computation of funds provided by operations for the three most recent years unless operations resulted in a net outflow of funds in all three years, in which case the average of the net outflow of funds should be used for the test.

Question 6: Must a company include an analysis of changes in each element of working capital in the condensed statement of source and application of funds included in its Form 10–Q?

Interpretive Response: No. The statement of source and application of funds can be abbreviated and needs to include only funds provided by operations and other sources and applications of funds which exceed 10% of the average of funds provided by operations for the most recent three years.

b. Disclosures with Respect to the Dispositions of Business.

Facts: Instruction 4(e) to Form 10–Q requires certain disclosures when "the registrant has disposed of any significant portion of its business during any of the periods covered by the report . . . ."

Question 1: What is intended by the phrase "significant portion of its business" as used in Instruction 4(e)?

Interpretive Response: The term "signficant portion of its business" refers to a "segment of a business" as defined in Paragraph 13 of Accounting Principles Board Opinion No. 30, which

[5] In Securities Act Release No. 33-6236, September 2, 1980, the Commission has proposed amendments to Form 10–Q.

covers, among other things, the reporting of the effects of the disposal of a segment of a business.

c. Reporting Requirements for Accounting Changes.

1. Preferability.

Facts: Instruction 4(f) to Form 10–Q requires that a registrant who changes its method of accounting shall indicate the date for such changes and the reasons for the changes. The registrant also must include as an exhibit in the "first Form 10–Q filed subsequent to the date of an accounting change, a letter from the registrant's independent accountants . . . indicating whether or not the change is to an alternative principle which in his judgment is preferable under the circumstances." A letter from the independent accountant is not required "when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such a change."

Question 1: For some alternative accounting principles, authoritative bodies have specified when one alternative is preferable to another. However, for other alternative accounting principles, no authoritative body has specified criteria for determining the preferability of one alternative over another. In such situations, how should preferability be determined?

Interpretive Response: In such cases, where objective criteria for determining the preferability among alternative accounting principles have not been established by authoritative bodies, the determination of preferability should be based on the particular circumstances described by and discussed with the registrant. In addition, the independent accountant should consider other significant information of which he is aware.

Question 2: Management may offer, as justification for a change in accounting principle, circumstances such as: their expectation as to the effect of general economic trends on their business (e.g., the impact of inflation), their expectation regarding expanding consumer demand for the company's products, or plans for change in marketing methods. Are these circumstances which enter into the determination of preferability?

Interpretive Response: Yes. Those circumstances are examples of business judgment and planning and should be evaluated in determining preferability. In the case of changes for which objective criteria for determining preferability have not been established by authoritative bodies, business judgment and business planning often are not major considerations in determining that the change is to a preferable method because the change results in improved financial reporting.

Question 3: What responsibility does the independent accountant have for evaluating the business judgment and business planning of the registrant?

Interpretive Response: Business judgment and business planning are within the province of the registrant. Thus, the independent accountant may accept the registrant's business judgment and business planning and express reliance thereon in his letter. However, if either the plans or judgment appear to be unreasonable to the independent accountant, he should not accept them as justification. For example, an independent accountant should not accept a registrant's plans for a major expansion if he believes the registrant does not have the means of obtaining the funds necessary for the expansion program.

Question 4: If a registrant, who has changed to an accounting method which was preferable under the circumstances, later finds that it must abandon its business plans or change its business judgment because of economic or other factors, is the registrant's justification nullified?

Interpretive Response: No. A registrant must in good faith justify a change in its method of accounting under the circumstances which exist at the time of the change. The existence of different circumstances at a later time does not nullify the previous justification for the change.

Question 5: If a registrant justified a change in accounting method as preferable under the circumstances, and the circumstances change, may the registrant revert to the method of accounting used before the change?

Interpretive Response: Any time a registrant makes a change in accounting method, the change must be justified as preferable under the circumstances. Thus, a registrant may not change back to a principle previously used unless it can justify that the previously used principle is preferable in the circumstances as they currently exist.

Question 6: If one client of an independent accounting firm changes its method of accounting and the accountant submits the required letter stating his view of the preferability of the principle in the circumstances, does this mean that all clients of that firm are constrained from making the converse change in accounting (e.g., if one client changes from FIFO to LIFO, can no other client change from LIFO to FIFO)?

Interpretive Response: No. Each registrant must justify a change in accounting method on the basis that the method is preferable under the circumstances of that registrant. In addition, a registrant must furnish a letter from its independent accountant stating that in the judgment of the independent accountant the change in method is preferable under the circumstances of that registrant. If registrants in apparently similar circumstances make changes in opposite directions, the staff has a responsibility to inquire as to the factors which were considered in arriving at the determination by each registrant and its independent accountant that the change was preferable under the circumstances because it resulted in improved financial reporting. The staff recognizes the importance, in many circumstances, of the judgments and plans of management and recognizes that such management judgments may, in good faith, differ. As indicated above, the concern relates to registrants in apparently similar circumstances, no matter who their independent accountants may be.

Question 7: If a registrant changes its accounting to one of two methods specifically approved by the FASB in a Statement of Financial Accounting Standards, need the independent accountant express his view as to the preferability of the method selected?

Interpretive Response: If a registrant was formerly using a method of accounting no longer deemed acceptable, a change to either method approved by the FASB may be presumed to be a change to a preferable method and no letter will be required from the independent accountant. If, however, the registrant was formerly using one of the methods approved by the FASB for current use and wishes to change to an alternative approved method, then the registrant must justify its change as being one to a preferable method in the circumstances and the independent accountant must submit a letter stating that in his view the change is to a principle that is preferable in the circumstances.

2. Filing of a Letter from the Accountants.

Facts: The registrant makes an accounting change in the fourth quarter of its fiscal year. Instruction 4(f) to Form 10–Q requires that the registrant file a letter from its independent accountants stating whether or not the change is preferable in the circumstances in the next Form 10–Q. Although not required, the independent accountant's preferability letter is filed as an exhibit to the registrant's annual report on Form 10–K for the fiscal year of the accounting change.

Question 1: Must the independent accountant's letter also be filed with the

first quarter's Form 10–Q in the following year?

Interpretive Response: No. However, if no letter is included with Form 10–K, a letter is required to be filed with the next Form 10–Q.

H. Accounting Series Release No. 148—Disclosure of Compensating Balances and Short-Term Borrowing Arrangements (adopted November 13, 1973 as modified by ASR No. 172 adopted on June 13, 1975 and ASR No. 280 adopted on September 2, 1980)

Facts: ASR No. 148 (as modified) amends Regulation S–X to include:

(1) disclosure of compensating balance arrangements.

(2) Segregation of cash for compensating balance arrangements that are legal restrictions on the availability of cash.

(3) Disclosure in the supplemental schedules of data related to short-term borrowings including (by category):

i. General terms and conditions.

ii. Average short-term borrowings outstanding during the period and the highest month end balance during the period.

iii. Average interest rate for the period and on borrowings outstanding at the end of the period, and the manner in which such coverages were computed.

1. Applicability.

a. Arrangements with Other Lending Institutions.

Question: In addition to banks, is ASR No. 148 applicable to arrangements with factors, commercial finance companies or other lending entities?

Interpretive Response: Yes.

b. Bank Holding Companies and Brokerage Firms.

Question: Do the provisions of ASR No. 148 apply to bank holding companies and to brokerage firms filing under Rule 17a–5(k)–(1)?

Interpretive Response: Yes; however, brokerage firms are not expected to meet these requirements when filing Form X–17a–5.

c. Financial Statements of Parent Company and Unconsolidated Subsidiaries.

Question: Are the provisions of ASR No. 148 applicable to parent company financial statements in addition to consolidated financial statements? To financial statements of unconsolidated subsidiaries?

Interpretive Response: ASR No. 148 data for consolidated financial statements only will generally be sufficient when a filing includes consolidated and parent company financial statements. Such data are required for each unconsolidated subsidiary or other entity when a filing is required to include complete financial statements of those entities. When the filing includes summarized financial data in a footnote about such entities, the disclosures under ASR No. 148 relating to the consolidated financial statements will be sufficient.

d. Foreign lenders.

Question: Are ASR No. 148 disclosure requirements applicable to arrangements with foreign lenders?

Interpretive Response: Yes.

2. Classification of Short-Term Obligations.

a. Debt Related to Long-Term Projects.

Facts: Companies engaging in significant long-term construction programs frequently arrange for revolving cover loans which extend until the completion of long-term construction projects. Such revolving cover loans are typically arranged with substantial financial institutions and typically have the following characteristics:

(1) A firm long-term mortgage commitment is obtained for each project.

(2) Interest rates and terms are in line with the company's normal borrowing arrangements.

(3) Amounts are equal to the expected full mortgage amount of all projects.

(4) The company may draw down funds at its option up to the maximum amount of the agreement.

(5) The company uses short-term interim construction financing (commerical paper, bank loans, etc.) against the revolving cover loan. Such indebtedness is rolled over or drawn down on the revolving cover loan at the company's option. The company typically has regular bank lines of credit, but these generally are not legally enforceable.

Question: Under FASB No. 6 and ASR No. 172, will the classification of loans such as described above as long-term be acceptable?

Interpretive Response: Where such conditions exist providing for a firm commitment throughout the construction program as well as a firm commitment for permanent mortgage financing, and where there are no contingencies other than the completion of construction, the guideline criteria are met and the borrowing under such a program should be classified as long-term with appropriate disclosure.

3. Compensating Balances.

a. Compensating Balances for Future Credit Availability.

Facts: Rule 5–02.1 of Regulation S–X requires disclosure of compensating balances in order to avoid undisclosed commingling of such balances with other funds having different liquidity characteristics and bearing no determinable relationship to borrowing arrangements. It also requires footnote disclosure distinguishing the amounts of such balances maintained under a formal agreement to assure future credit availability.

Question: In disclosing compensating balances maintained to assure future credit availability, is it necessary to segregate compensating balances for an unused portion of a regular line of credit when a total compensating balance amount covering both used and unused amounts of a line of credit is disclosed?

Interpretive Response: No.

b. Changes in Compensating Balances.

Facts: ASR No. 148 guidelines indicate the need for additional disclosures where compensating balances were materially greater during the period than at the end of the period.

Question: Does this disclosure relate to changes in the arrangement (e.g., the required compensating balance percentage) or changes in borrowing levels?

Interpretive Response: Both.

c. Float.

Facts: ASR No. 148 states that "compensating balance arrangements . . . are normally expressed in terms of collected bank ledger balances but the financial statements are presented on the basis of the company's books. In order to make the disclosure of compensating balance amounts . . . consistent with the cash amounts reflected in the financial statements, the balance figure agreed upon by the bank and the company should be adjusted if possible by the estimated float."

Question: In determining the amount of "float" as suggested by ASR No. 148 guidelines, frequently an adjustment to the bank balance is required for "uncollected funds." On what basis should this adjustment be estimated?

Interpretive Response: The adjustment should be estimated based upon the method used by the bank or a reasonable approximation of that method. The following is a sample computation of the amount of compensating balances to be disclosed where uncollected funds are involved.

Assumptions: The company has agreed to maintain compensating balances equal to 20% of short-term borrowings.

Short-term borrowings	$10,000,000
Compensating balances per bank balances	2,000,000
Estimated float (approximates the excess of outstanding checks over deposits in transit)	480,000
Estimated uncollected funds	320,000
Computation:	
Compensating balances per bank balances	2,000,000
Estimated uncollected funds	320,000
Estimated float	(480,000)
Compensating balances stated in terms of a book cash balance and to be disclosed	1,840,000

4. Miscellaneous.

a. Periods Required.

Question: For what periods are ASR No. 148 disclosures required?

Interpretive Response: Disclosure of compensating balance arrangements and other disclosures called for in ASR No. 148 are required for the latest fiscal year but are generally not required for any later interim period unless a material change has occurred since year end.

b. 10–Q Disclosures.

Question: Are ASR No. 148 disclosures required in 10–Q's?

Interpretive Response: In general, ASR No. 148 disclosures are not required in form 10–Q. However, in some instances material changes in borrowing arrangements or borrowing levels may give rise to the need for disclosure either in Form 10–Q or Form 8–K.

c. Determining Average Interest Rate.

Question: In disclosing the means of determining the weighted average interest rate of approximate average aggregate short-term borrowings outstanding during the period (Rule 12–10), will a description using such words as "daily," "weekly," "monthly," generally be acceptable?

Interpretive Response: Yes.

I. Accounting Series Release No. 149—Improved Disclosure of Income Tax Expense (Adopted November 28, 1973 and Modified by ASR 280 Adopted on September 2, 1980)

Facts: ASR Nos. 149 and 280 amend Regulation S–X to include:

(1) Disclosure of tax effect of timing differences comprising deferred income tax expense.

(2) Disclosure of the components of income tax expense, including currently payable and the net tax effects of timing differences.

(3) Disclosure of the components of income [loss] before income tax expense [benefit] as either domestic or foreign.

(4) Reconciliation between the statutory Federal income tax rate and the effective tax rate.

1. Tax Rate.

Question 1: In reconciling to the effective tax rate should the rate used be a combination of state and Federal income tax rates?

Interpretive Response: No, the reconciliation should be made to the Federal income tax rate only.

Question 2: What is the "applicable statutory Federal income tax rate"?

Interpretive Response: The applicable statutory Federal income tax rate is the normal rate applicable to the reporting entity. Hence, the statutory rate for a U.S. partnership is zero. If, for example, the statutory rate for U.S. corporations is 22% on the first $25,000 of taxable income and 46% on the excess over $25,000, the "normalized rate" for corporations would fluctuate in the range between 22% and 46% depending on the amount of pretax accounting income a corporation has.

2. Taxes of Investee Company.

Question: If a registrant records its share of earning or losses of a 50% or less owned person on the equity basis and such person has an effective tax rate which differs by more than 5% from the applicable statutory Federal income tax rate, is a reconciliation as required by Rule 4–08(g) necessary?

Interpretive Response: Whenever the tax components are known and material to the investor's (registrant's) financial position or results of operations, appropriate disclosure should be made. In some instances where 50% or less owned persons are accounted for by the equity method of accounting in the financial statements of the registrant, the registrant may not know the rate at which the various components of income are taxe and it may not be practicable to provide disclosure concerning such components.

It should also be noted that it is generally necessary to disclose the aggregate dollar and per-share effect of situations where temporary tax exemptions or "tax holidays" exist, and that such disclosures are also applicable to 50% or less owned persons. Such disclosures should include a brief description of the factual circumstances and give the date on which the special tax status will terminate. See paragraph C of Topic 11.

3. Net of Tax Presentation.

Question: What disclosure is required when an item is reported on a net of tax basis (e.g., extraordinary items, discontinuance or disposals of business segments, or cumulatiove adjustment related to accounting change)?

Interpretive Response: When an item is reported on a net of tax basis, additional disclosure of the nature of the tax component should be provided by reconciling the tax component associated with the item to the applicable statutory Federal income tax rate or rates.

4. Loss Years.

Question: Is a reconciliation of a tax recovery in a loss year required?

Interpretive Response: Yes, in loss years the actual book tax benefit of the loss should be reconciled to expected normal book tax benefit based on the applicable statutory Federal income tax rate.

5. Foreign Registrants.

Question 1: Occasionally, reporting foreign persons may not operate under a normal income tax base rate such as the current U.S. Federal corporate income tax rate. What form of disclosure is acceptable in these circumstances?

Interpretive Response: In such instances, reconciliations between year-to-year effective rates or between a weighted average effective rate and the current effective rate of total tax expense may be appropriate in meeting the requirements of Rule 4–08(g). A brief description of how such a rate was determined would be required in addition to other required disclosures. Such an approach would not be acceptable for a U.S. registrant with foreign operations. Foreign registrants with unusual tax situations may find that these guidelines are not fully responsive to their needs. In such instances, registrants should discuss the matter with the staff.

Question 2: Where there are significant reconciling items that relate in significant part to foreign operations as well as domestic operations, is it necessary to disclose the separate amounts of the tax component by geographical area, e.g., statutory depletion allowances provided for by U.S. and by other foreign jurisdictions?

Interpretive Response: It is not practicable to give an all-encompassing answer to this question. However, in may cases such disclosure would seem appropriate.

6. Securities Gains and Losses.

Question: If the tax on the securities gains and losses of banks and insurance companies varies by more than 5% from the applicable statutory Federal income tax rate, should a reconciliation to the statutory rate be provided?

Interpretive Response: Yes.

7. Tax Expense Components v. "Overall" Presentation.

Facts: Rule 4–08(g) requires that the various components of income tax expense be disclosed, e.g., currently payable domestic taxes, deferred foreign taxes, etc. Frequently income tax expense will be included in more than one caption in the financial statements. For example, income taxes may be allocated to continuing operations, discontinued operations, extraordinary items, cumulative effects of an accounting change and direct charges and credits to shareholders' equity.

Question: In instances where income tax expense is allocated to more than one caption in the financial statements, must the components of income tax

expense included in each caption be disclosed or will an "overall" presentation such as the following be acceptable?

The components of income tax expense are:

Currently payable (per tax return):	
Federal	$350,000
Foreign	150,000
State	50,000
Deferred:	
Federal	125,000
Foreign	75,000
State	50,000
	800,000

Income tax expense is included in the financial statements as follows:

Continuing operations	$800,000
Discontinued operations	(200,000)
Extraordinary income	300,000
Cumulative effect of change in accounting principle	100,000
	800,000

Interpretive Response: An overall presentation of the nature described will be acceptable.

Topic 7: Real Estate Companies

A. Reporting Requirements

Facts: Release No. 33–5611 rescinded the rules that required certain real estate companies to file quarterly financial data on Form 7–Q. That release also adopted amendments to Form 10–Q to require a statement of source and application of funds (statement of changes in financial position) on a quarterly basis from all registrants. Form 10–K requires such data from all registrants on an annual basis.

Question: Should real estate companies present the funds data in their quarterly report on 10–Q and annual report on Form 10–K in the same format as in rescinded Form 7–Q?

Interpretive Response: For most real estate operations the staff is of the view that registrants should present funds data in their quarterly reports on Form 10–Q and annual reports on Form 10–K in the same general format outlined in rescinded Form 7–Q. The format used in the old Form 7–Q had been specifically designed to provide important information for analysis of such entities. Form 7–Q required that real estate companies present funds data in a format generally as follows:

- Net income.
- Less cash distributions to shareholders.
- Excess (deficiency).
- Add depreciation.
- Deduct mortgage payments.
- Excess (deficiency) of funds generated over distributions.

B. Land Development Companies

Facts: Much of the revenue generated by registrants engaged in retail land sales activities is represented by long-term receivables and their revenue recognition policies are generally out of phase with the actual receipt of cash. Unless this fact is recognized and properly reflected in the statement of changes in financial position, the actual effect of operations on the flow of funds will not be apparent.

Question: Does the staff have a format that it recommends for such situations?

Interpretive Response: A statement of changes in financial position for registrants engaged in land development activities which begins with "Income before extraordinary items" should include as specific items recognized in determining that income which did not provide or use funds (a) an amount representing collections of contracts receivable relating to prior years (an addition to income before extraordinary items) and (b) an amount representing uncollected receivables from sales of the current year (a deduction from income before extraordinary items). An illustration follows:

	19xx	19xx
Source of funds:*		
Income before extraordinary items	$xx,xxx	$xx,xxx
Add (deduct) items not affecting funds:		
Provision for depreciation	xxx	xxx
Provision for cost of development of land sold	x,xxx	-,xxx
Provision for contract cancellations	xxx	xxx
Collection of contracts receivable relating to prior years' sales	x,xxx	x,xxx
Contracts receivable on current year's sales	(xx,xxx)	(xx,xxx)
Funds provided (used) by operations before extraordinary items	x,xxx	(xxx)

*Descriptions of line items assume an unclassified balance sheet and the accrual method of reporting income.

As stated in paragraph 10 of Accounting Principles Board Opinion No. 19, an acceptable alternative is to begin with total revenue that provided working capital or cash during the period and deduct operating costs and expenses that required the outlay of working capital or cash during the period.

C. Schedules of Real Estate and Accumulated Depreciation, and of Mortgage Loans on Real Estate

Facts: Whenever investments in real estate or mortgage loans on real estate are significant, the schedules of such items (see Rule 12–28 and 12–29 of Regulation S–X) are required in a prospectus.

Question: Is such information also required in annual reports to shareholders?

Interpretive Response: Although Rules 14a–3 and 14c–3 permit the omission of financial statement schedules from annual reports to shareholders, the staff is of the view that the information required by these schedules is of such significance within the real estate industry that the information should be included in the financial statements in the annual report to shareholders.

D. Income Before Depreciation

Facts: Occasionally an income statement format will contain a subtotal or caption titled "Income before depreciation and depletion."

Question: Is this caption appropriate?

Interpretive Response: The staff objects to this presentation because in the staff's view the presentation may suggest to the reader that the amount so captioned represents cash flow for the period, which is rarely the case (see Accounting Series Release No. 142).

Topic 8: Retail Companies

A. Sales of Leased or Licensed Departments

Facts: Department stores and other retailers customarily include the sales of leased or licensed departments in the amount reported as "total revenues."

Question: Does the staff have any objection to this practice?

Interpretive Response: The staff has no objection to this practice so long as the sales of leased or licensed departments are either presented as a separate revenue line item in the income statement or disclosed in an appropriately referenced note to the income statement.

B. Finance Charges

Facts: Department stores and other retailers impose finance charges on credit sales.

Question: How should such charges be disclosed?

Interpretive Response: As a minimum, the staff requests that the amount of gross revenue from such charges be stated in a footnote and that the income statement classification which includes such revenue be identified. The following are examples of acceptable disclosure:

Example 1

Consumer Credit Operations

The results of the Consumer Credit Operations which are included in the Statement of Earnings as a separate line item are as follows for the fiscal year ended January 31, 19x0:

Service charges	$167,000,000
Operating expenses:	
Interest	60,000,000
Payroll	35,000,000
Provision for uncollected accounts	29,000,000
All other credit and collection expenses	32,000,000
Provision for Federal income taxes	5,000,000
Total operating expenses	161,000,000
Consumer credit operations earnings	6,000,000

Example 2

Service charges on retail credit accounts are netted against selling, general and administrative expense. The cost of administering the retail credit program continued to exceed service charges on customer receivables as follows:

[In millions]

	19XX	19XX	Percent increase (decrease)
Costs:			
Regional office operations	$45	$42	9
Interest	51	44	13
Provision for doubtful accounts	21	16	34
Total	117	102	15
Less service charge income	96	79	22
Net cost of credit	$21	$23	(10)
Net cost as per cent of credit sales (percent)	1.4	1.6	

The above results do not reflect either "in store" costs related to credit operations or any allocation of corporate overhead expenses.

Topic 9: Finance Companies

A. Points

Facts: Many finance companies charge nonrefundable "points" payable in cash at the time a loan transaction is closed.

Question: May these amounts be reflected in income at the loan closing?

Interpretive Response: The staff takes the position that these amounts represent an adjustment to the stated rate of interest requiring deferral and amortization as an element of interest over the life of the related loan.

B. Ratio of Earnings to Fixed Charges

Facts: A registrant may at its option report the ratio of earnings to fixed charges under Selected Financial Data. It is not uncommon, particularly with respect to "captive" finance subsidiaries, for the parent company to artificially maintain the ratio of earnings to fixed charges in order to meet minimum borrowing standards stipulated by agencies of various states.

Question: In such circumstances, what additional disclosure will the staff request in the registration statement of the finance subsidiary?

Interpretive Response: In those cases where the ratio is artificially maintained, the registrant should include the parent's ratios of earnings to fixed charges (on a total enterprise basis) in addition to its own ratios. If the parent's financial statements are not otherwise available to the public, the parent's financial statements should be included in the filing.

Topic 10: Utility Companies

A. Financing by Electric Utility Companies Through Use of Construction Intermediaries

Facts: Some electric utility companies finance construction of a generating plant or their share of a jointly owned plant through the use of a "construction intermediary" which may be organized as a trust or a corporation. Typically the utility assigns its interest in property and other contract rights to the construction intermediary with the latter authorized to obtain funds to finance construction with term loans, bank loans, commercial paper and other sources of funds that may be available. The intermediary's borrowings are guaranteed in part by the work in progress but more significantly, although indirectly, by the obligation of the utility to purchase the project upon completion and assume or otherwise settle the borrowings. The utility may be committed to provide any deficiency of funds which the intermediary cannot obtain and excess funds may be loaned to the utility by the intermediary. (In one case involving construction of an entire generating plant, the intermediary appointed the utility as its agent to complete construction.) On the occurrence of an event such as commencement of the testing period for the plant or placing the plant in commercial service (but not later than a specified date) the interest in the plant reverts to the utility and concurrently the utility must either assume the obligations issued by the intermediary or purchase them from the holders. The intermediary may also be authorized to borrow amounts for accrued interest when due and those amounts are added to the balance of the outstanding indebtedness. Interest is thus capitalized during the construction period at rates being charged by the lenders; however, it is deductible by the utility for tax purposes in the year of accrual.

Question: How should construction work in progress and related liabilities and interest expense being financed through a construction intermediary be reflected in an electric utility's financial statements?

Interpretive Response: The balance sheet of an electric utility company using a construction intermediary to finance construction should include the intermediary's work in progress in the appropriate caption under utility plant. The related debt should be included in long-term liabilities and disclosed either on the balance sheet or in a note.

Rule 4-08(j) of Regulation S-X applies to all registrants. It provides that the amount of interest cost incurred and the respective amounts expensed or capitalized shall be disclosed for each period for which an income statement is presented. Consequently, capitalized interest included as part of an intermediary's construction work in progress on the balance sheet should be recognized on the current income statement as interest expense with a corresponding offset to allowance for borrowed funds used during construction. Income statements for prior periods should also be restated. The amounts may be shown separately on the statement or included with interest expense and allowance for borrowed funds used during construction.

A note to the financial statements should describe briefly the organization and purpose of the intermediary and the nature of its authorization to incur debt to finance construction. The note should disclose the rate at which interest on this debt has been capitalized and the dollar amount for each period for which an income statement is presented.

B. Estimated Future Costs Related to Spent Nuclear Fuel and Nuclear Electric Generating Plants

Facts: Utility companies with nuclear electric generating plants have amortized nuclear fuel cost to expense on the basis of the quantity of heat produced for the generation of electric energy. In computing the periodic amortization of the nuclear fuel cost a net residual salvage value has been generally assumed that is predicated on the reprocessing of spent nuclear fuel to recover the unused uranium and plutonium. No facility is presently in operation or can be made operable to process spent nuclear fuel. Consequently, reprocessing cannot be presently accomplished, and it may be necessary to store spent nuclear fuel for an indefinite period.

In determining depreciation rates for nuclear generating plants the costs of storing, dismantling or decontaminating a plant at the end of its useful life have generally not been considered. Such costs now appear to be substantial.

Question: What disclosure should be made concerning the estimated future costs of storing spent nuclear fuel and decommissioning nuclear generating plants?

Interpretive Response: With regard to both the storing of spent nuclear fuel and decommissioning of nuclear generating plants it appears that costs will be incurred. It may not be possible to reasonably estimate these costs when financial statements are prepared.

A note to the financial statements should describe the consideration given to the estimated future storage or disposal costs for spent fuel in amortizing the cost of nuclear fuel. If the amortization of nuclear fuel in prior years recognized a net residual salvage value, the note should disclose whether the residual salvage value was subsequently eliminated or is to be eliminated by a charge to current operations or otherwise.

Also, a note should disclose whether (1) estimated future storage or disposal costs and (2) residual salvage value recognized in prior years and now being written off are being recovered through a fuel adjustment clause or if it is expected that provision will be made for such costs in applications to regulatory commissions for rate increases.

A note should also disclose the estimated costs of dismantling or decontaminating nuclear generating plants and whether provision for these costs is being made in current operations and recognized in service rates. If such expected costs are not being currently provided for, disclose the reasons for omitting the costs and the potential impact on the financial statements.

C. Jointly Owned Electric Utility Plants

Facts: Groups of electric utility companies have been building and operating utility plants under joint ownership agreements or arrangements which do not create legal entities for which separate financial statements are presented. Under these arrangements, a participating utility has an undivided interest in a utility plant and is responsible for its proportionate share of the costs of construction and operation and is entitled to its proportionate share of the energy produced.

During the construction period a participating utility finances its own share of a utility plant using its own financial resources and not the combined resources of the group. Allowance for funds used during construction is provided in the same manner and at the same rates as for plants constructed to be used entirely by the participant utility.

When a joint-owned plant becomes operational, one of the participant utilities acts as operator and bills the other participants for their proportionate share of the direct expenses incurred. Each individual participant incurs other expenses related to transmissions distribution, supervision and control which cannot be related to the energy generated or received from any particular source. Many companies maintain depreciation records on a composite basis for each class of property so that neither the accumulated allowance for depreciation nor the periodic expense can be allocated to specific generating units whether jointly or wholly owned.

Question: What disclosure should be made on the financial statements or in the notes concerning interests in jointly owned utility plants?

Interpretive Response: A participating utility should include information concerning the extent of its interests in jointly owned plants in a note to its financial statements. The note should include a table showing separately for each interest in a jointly owned plant the amount of utility plant in service, the accumulated provision for depreciation (if available), the amount of plant under construction, and the proportionate share. The amounts presented for plant in service or plant under construction may be further subdivided to show amounts applicable to plant subcategories such as production, transmission, and distribution. The note should include statements that the dollar amounts represent the participating utility's share in each joint plant and that each participant must provide its own financing. Information concerning two or more generating plants on the same site may be combined if appropriate.

The note should state that the participating utility's share of direct expenses of the joint plants is included in the corresponding operating expenses on its income statement (e.g., fuel, maintenance of plant, other operating expense). If the share of direct expenses is charged to purchased power then the note should disclose the amount so charged and the proportionate amounts charged to specific operating expenses on the records maintained for the joint plants.

D. Long-Term Contracts for Purchase of Electric Power

Facts: Under long-term contracts with public utility districts, cooperatives or other organizations, a utility company receives a portion of the output of a production plant constructed and financed by the district or cooperative. The utility has only a nominal or no investment at all in the plant but pays a proportionate part of the plant's costs, including debt service. The contract may be in the form of a sale of a generating plant and its immediate lease back. The utility is obligated to pay certain minimum amounts which cover debt service requirements whether or not the plant is operating. At the option of other parties to the contract and in accordance with a predetermined schedule, the utility's proportionate share of the output may be reduced. Separate agreements may exist for the transmission of power to the utility's system.

Question: How should the cost of power obtained under long-term purchase contracts be reflected on the financial statements and what supplemental disclosures should be made in notes to the statements?

Interpretive Response: The cost of power obtained under long-term purchase contracts, including payments required to be made when a production plant is not operating, should be included in the operating expenses section of the income statement. A note to the financial statements should present information concerning the terms and significance of such contracts to the utility company including date of contract expiration, share of plant output being purchased, estimated annual cost, annual minimum debt service payment required and amount of related long-term debt or lease obligations outstanding.

Additional disclosure should be given if the contract provides, or is expected to provide, in excess of five percent of current or estimated future system capability. This additional disclosure may be in the form of separate financial statements of the vendor entity or inclusion of the amount of the obligation under the contract as a liability on the balance sheet with a corresponding amount as an asset representing the right to purchase power under the contract.

The note to the financial statements should disclose the allocable portion of interest included in charges under such contracts. Accounting Series Release No. 122 discusses the computation of the ratio of earnings to fixed charges for an enterprise which has guaranteed the debt of a supplier company or has entered into contracts with a supplier providing for payments designed to service debt of a supplier. The release states in part that in such instances the ratio "* * * for the registrant must be accompained by effective disclosure of

the significance of fixed charges of other companies included in the enterprise whether or not the revenues and expenses of such companies are set forth in the financial statements of the registrant. Such disclosure usually should be accomplished by presenting the ratio of earnings to fixed charges for the total enterprise in equivalent prominence with the ratio for the registrant or registrant and consolidated subsidiaries."

Topic 11: Miscellaneous Disclosure

A. Operating-Differential Subsidies

Facts: Company A has received an operating-differential subsidy pursuant to the Merchant Marine Act of 1936, as amended.

Question: How should such subsidies be displayed in the income statement?

Interpretive Response: Revenue representing an operating differential subsidy under the Merchant Marine Act of 1936, as amended, must be set forth as a separte line item in the income statement either under a revenue caption or as credit in the costs and expenses section.

B. Depreciation and Depletion Excluded from Cost of Sales

Facts: Company B excludes depreciation and depletion from cost of sales in its income statement.

Question: How should this exclusion be disclosed?

Interpretive Response: If cost of sales or operating expenses exclude charges for depreciation, depletion and amortization of property, plant and equipment, the description of the line item should read somewhat as follows: "Cost of goods sold (exclusive of items shown separately below)" or "Cost of goods sold (exclusive of depreciation shown separately below)." To avoid placing undue emphasis on "cash flow," depreciation, depletion and amortization should not be positioned in the income statement in a manner which results in reporting a figure for income before depreciation.

C. Tax Holidays

Facts: Company C conducts business in a foreign jurisdiction which attracts industry by granting a "holiday" from income taxes for a specified period.

Question: Does the staff generally request disclosure of this fact?

Interpretive Response: Yes. In such event, a note must (1) disclose the aggregate dollar and per share effects of the tax holiday and (2) briefly describe the factual circumstances including the date on which the special tax status will terminate.

D. Offsetting Assets and Liabilities

Facts: In Company D's balance sheet assets have been offset by liabilities which are directly related to the asset.

Question: Will the staff accept such financial statements?

Interpretive Response: It is the staff's opinion that even when items can be directly associated, it is not appropriate to offset assets and liabilities without the benefit of an existing legal right.

The following are typical situations:

1. A registrant might engage in money market transactions in which the proceeds of short-term borrowings are simultaneously invested, at higher rates, in matching deposits with major international banks. In the absence of a legal right of offset, the loan may not be offset against the deposit.

2. Carrying values of properties should not be reduced by purchase money mortgages even if the liability on such a mortgage is only a liability against the property.

3. When a registrant sells property subject to a mortgage and takes from the purchaser a wrap around mortgage which provides that the registrant will continue the payments on the prior mortgage, the registrant's balance sheet should show the wrap around mortgage as a receivable. The balance of the previously existing mortgage should not be offset against the receivable on the wrap around mortgage.

The wrap around mortgage situation should be distinguished from a subordinate lien. If a registrant lends money on property owned by another party and arranges to collect amounts from the borrower to be used to make payments against an existing mortgage (thus assuring registrant that prior lien obligations are being met), the prior lien is not an obligation of the registrant and therefore the registrant's receivable is a subordinate lien rather than a wrap around mortgage.

E. Chronological Ordering of Data

Question: Does the staff have any preference in what order data are presented (e.g., the most current data displayed first, etc.)?

Interpretive Response: The staff has no preference as to order; however, financial statements and other data presented in tablular form should read consistently from left to right in the same chronological order throughout the filing. Similiarly, numerical data included in narrative sections should be consistently ordered.

F. LIFO Liquidations

Facts: Registrant on LIFO basis of accounting liquidates a substantial portion of its LIFO inventory and as a result includes a material amount of income in its income statement which would not have been recorded had the inventory liquidation not taken place.

Question: Is disclosure required of the amount of income realized as a result of the inventory liquidation?

Interpretive Response: Yes. Such disclosure would be required in order to make the financial statements not misleading. Disclosure may be made either in a footnote or parenthetically on the face of the income statement.

G. Tax Equivalent Adjustment in Financial Statements of Bank Holding Companies

Facts: Bank subsidiaries of bank holding companies frequently hold substantial amounts of state and municipal bonds, interest income from which is exempt from Federal income taxes. Because of the tax exemption the stated yield on these securities is lower than the yield on securities with similar risk and maturity characteristics whose interest is subject to Federal tax. In order to make the interest income and resultant yields on tax exempt obligations comparable to those on taxable investments and loans, a "tax equivalent adjustment" is often added to interest income when presented in analytical tables or charts. When the data presented also includes income taxes, a corresponding amount is added to income tax expense so that there is no effect on net income. Adjustment may also be made for the tax equivalent effect of exemption from state and local taxes.

Question 1: Is the concept of the tax equivalent adjustment appropriate for inclusion in financial statements and related notes?

Interpretive Response: No. The tax equivalent adjustment represents a credit to interest income which is not actually earned and realized and a corresponding charge to taxes (or other expense) which will never be paid. Consequently, it should not be reflected on the income statement or in notes to financial statements included in reports to shareholders or in a report or registration statement filed with the Commission.

Question 2: May amounts representing tax equivalent adjustments be included in the body of a statement of income provided they are designated as not being included in the totals and balances on the statement?

Interpretive Response: No. The tabular format of a statement develops information in an orderly manner which becomes confusing when additional

numbers not an integral part of the statement are inserted into it.

Question 3: May revenues on a tax equivalent adjusted basis be included in selected financial data?

Interpretive Response: Revenues may be included in selected financial data on a tax equivalent basis if the respective captions state which amounts are tax equivalent adjusted and if the corresponding unadjusted amounts are also reported in the selected financial data.

Because of differences among registrants in making the tax equivalency computation, a brief note should describe the extent of recognition of exemption from Federal, state and local taxes and the combined marginal or incremental rate used. Where net operating losses exist, the note should indicate the nature of the tax equivalency adjustment made.

Question 4: May information adjusted to a tax equivalent basis be included in management's discussion and analysis of financial condition and results of operations?

Interpretive Response: One of the purposes of management's discussion and analysis is to enable investors to appraise the extent that earnings have been affected by changes in business activity and accounting principles or methods. Material changes in items of revenue or expense should be analyzed and explained in textual discussion and statistical tables. It may be appropriate to use amounts or to present yields on a tax equivalent basis. If appropriate, the discussion should include a comment on material changes in investment securities positions that affect tax exempt interest income. For example, there might be a comment on a change from investments in tax exempt securities because of the availability of net operating losses to offset taxable income of current and future periods, or a comment on a change in the quality level of the tax exempt investments resulting in increased interest income and risk and a corresponding increase in the tax equivalent adjustment.

Tax equivalent adjusted amounts should be clearly identified and related to the corresponding unadjusted amounts in the financial statements. A descriptive note similar to that suggested to accompany adjusted amounts included in selected financial data should be provided.

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17 CFR Part 241

[Release No. 34-17500]

Foreign Corrupt Practices Act of 1977

AGENCY: Securities and Exchange Commission.

ACTION: Statement of policy.

SUMMARY: The Commission's policy regarding the Foreign Corrupt Practices Act of 1977 is set forth in an address by Chairman Harold M. Williams, entitled "The Accounting Provisions of the Foreign Corrupt Practices Act: An Analysis," which was given before the SEC Developments Conference of the American Institute of Certified Public Accountants.

FOR FURTHER INFORMATION CONTACT: Mark B. Goldfus, Special Counsel to the Chairman, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2178.

SUPPLEMENTARY INFORMATION: On January 13, 1981, Chairman Harold M. Williams presented an address, "The Accounting Provisions of the Foreign Corrupt Practices Act: An Analysis," to the SEC Developments Conference of the American Institute of Certified Public Accountants. This address was presented with the concurrence of all members of the Commission and constitutes the Commission's policy regarding the matters discussed therein. Accordingly, 17 CFR Part 241 is amended by adding reference to this statement of policy thereto. The text of Chairman Williams' address follows.

By the Commission.

George A. Fitzsimmons,

Secretary.

January 29, 1981.

TEXT OF CHAIRMAN WILLIAMS' ADDRESS

It is a pleasure to again address the AICPA's SEC Developments Conference. In a departure from my talks of prior years—in which I generally surveyed a broad spectrum of current developments—today I will devote my remarks solely to one major auditing development of recent years: the accounting provisions of the Foreign Corrupt Practices Act of 1977. The Act last month had its third anniversary. The time has come to apply the experience we now have in administering, and complying with, the Act to resolving the issues it has raised.

When viewed from an abstract perspective, the Act's accounting provisions seem merely to codify a basic and uncontroversial management principle: No enterprise of any size can operate successfully without maintaining effective controls over its transactions and the disposition of its assets. Perhaps in part because these provisions were considered truisms, the Act was passed without Congressional dissent.

However, practical experience with new legislation—even a law thought to be noncontroversial—often will reveal unanticipated problems. Newly enacted standards, for example, may be subject to differing constructions or raise compliance difficulties and ambiguities unforeseen by their draftsmen. And, until these problems are resolved by an agency, the courts or the Congress, those who are subject to these laws are often faced, unfortunately, with some disquieting circumstances.

The anxieties created by the Foreign Corrupt Practices Act—among men and women of utmost good faith—have been, in my experience, without equal. This consteration can be attributed, in significant part, to the spectre which some commentators have raised of exposure to Commission enforcement action, and perhaps criminal liability, as a result of technical and insignificant errors in corporate records or weaknesses in corporate internal accounting controls. In fact, some commentators claim that, because of the broad strokes with which the accounting provisions are fashioned, no corporate executive can ever feel fully confident that his corporation is in compliance with the law. And, other commentators have expressed fear that this lack of concrete statutory parameters evidences a meaning to the Act which is far beyond its Congressional intent.

Such uncertainty can have a debilitating effect on the activities of those who seek to comply with the law. My sense is that, as a consequence, many businesses have been very cautious-sometimes overly so—in assuring at least technical compliance with the Act. And, therefore, business resources may have been diverted from more productive uses to overly-burdensome compliance systems which extend beyond the requirements of sound management or the policies embodied in the Act. The public, of course, is not well served by such reactions.

The Commission is sensitive to these concerns and considerations. The goal is to allow a business, acting in good faith, to comply with the Act's accounting provisions in an innovative and cost-effective way and with a better sense of its legal responsibilities. I have conferred, accordingly, with my colleagues before presenting these remarks, and they have authorized me to advise you that these remarks

constitute a statement of the Commission's policy.

I will begin with a summary of the Commission's analysis.

—Recordkeeping. The Act's recordkeeping provision requires that a company maintain records which reasonably and fairly reflect the transactions and dispositions of the company's assets. This provision is intimately related to the requirement for a system of internal accounting controls, and we believe that records which are not relevant to accomplishing the objectives specified in the statute for the system of internal controls are not within the purview of the recordkeeping provision. Moreover, inadvertent recordkeeping mistakes will not give rise to Commission enforcement proceedings; nor could a company be enjoined for a falsification of which its management, broadly defined, was not aware and reasonably should not have known.

—Internal accounting controls system. The Act does not mandate any particular kind of internal controls system. The test is whether a system, taken as a whole, reasonably meets the statute's specified objectives. "Reasonableness," a familiar legal concept, depends on an evaluation of all the facts and circumstances.

—Deference. Private sector decisions implementing these statutory objectives are business decisions. And, reasonable business decisions should be afforded deference. This means that the issuer need not always select the best or the most effective control measure. However, the one selected must be reasonable under all the circumstances.

—State of mind. The accounting provisions principal objective is to reach knowing or reckless conduct. Moreover, we would expect that the courts will issue injunctions only when there is a reasonable likelihood that the misconduct would be repeated. In the context of the accounting provisions, that showing is not likely to be possible when the conduct in question is inadvertent.

—Status of subsidiaries. The issuer's responsibility for the compliance of its subsidiaries varies according to the issuer's control of the subsidiary. The Commission has established percentage of ownership tests to afford guidance in this area.

—Enforcement policy. These views reflect Commission policy and practice in implementing and enforcing the accounting provisions and are consistent with the cases brought by the Commission over the last three years. During this period, the Commission has addressed these areas prudently and with common sense. Similarly, the Commission has not sought out violations of the accounting provisions for their own sake; indeed, we have not chosen to bring a single case under these provisions that did not also involve other violations of law. The Commission, instead, places its greatest emphasis on encouraging an environment in which the private sector can meet its responsibilities in complying with the Act meaningfully and creatively. In that connection, the Commission has adopted enforcement policies in furtherance of this policy that I will discuss in a few moments.

I will now amplify on each of these thoughts.

Purposes of the Act

At the outset of this analysis, it is worthwhile to consider briefly the events which led to the Foreign Corrupt Practices Act—not because the abuses which led to its enactment were representative of the entire business community, but rather to put the Act in the proper context. As most will recall, during the mid-1970s the existence of a pattern of questionable payments to foreign government officers by prominent American corporations became public knowledge. These disclosures—often in bold headlines—shook faith and trust in the integrity of our corporate sector. This reaction became part of a rising tide of public skepticism and served further to undermine the traditional American consensus that business conducts itself and reasonably pursues its own economic interests in a manner consistent with the standards and expectations of the larger society. In this climate, Congress felt compelled to act. And, after nearly three years of hearings and debate, the Foreign Corrupt Practices Act became law.

New Section 13(b)(2) of the Securities Exchange Act of 1934 is a product of this legislative process. It establishes two interrelated accounting requirements: First, public companies are required to "make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions" of their assets. Second, corporations are also required to "devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances" that certain specified objectives are attained. In essence, these objectives are that assets be safeguarded from unauthorized use, that corporate transactions conform to managerial authorizations, and that records be accurate.

Some commentators have argued that the Act's title is a misnomer. Clearly, Congress went further than determining whether the payments which gave the new law its name were ethically and commercially justifiable. It also chose to consider the corporate accounting and control deficiencies which had been breeding grounds for these practices. And, by doing so, it addressed the far more serious issues raised by these disclosures.

As the Commission's 1976 report to Congress on questionable payments stated:

> The most devastating disclosure that we have uncovered in our recent experience with illegal or questionable payments has been the fact that, and the extent to which, some companies have falsified entries in their own books and records.

These payment and falsifications were not only previously unknown to public investors and independent auditors, but many were also unknown to the payor's board and, in numerous examples, even to its senior management. In some of these instances, internal controls existed, but they were shown to be ineffective or easily subverted. Unauthorized payments and related falsifications of corporate records seemed to evidence—indeed, were fostered by—a lack of adequate accounting records and controls. Consequently, in the legislation which ultimately emerged from Congress, prohibiting questionable payments and mandating control and recordkeeping were inexorably interconnected.

In enacting these accounting provisions, Congress did not change the government's role with respect to accounting or auditing matters—nor was the Commission authorized to prescribe corporate records such as it may for such regulated entities as broker-dealers and investment companies. Instead, Congress determined that the federal interest in corporate recordkeeping is satisfied if it assures that corporate transactions are recorded—in the words of the Act's Conference Report—"in conformity with accepted methods of recording economic events." Such procedures, the Conference Report declared, "should effectively prevent off-the-books slush funds and payments of bribes." Meaningful accounting controls, the Committee added, "provide reasonable assurances, among other things, that transactions are recorded as necessary to maintain accountability for assets."

Statute or no, these are, of course, inherent obligations of the stewardship

of a public corporation. The standards embodied in the Act's accounting provisions are, in effect, the cardinal principles of managing a business enterprise. Among members of the business community, few would dispute that acceptable management cannot be achieved absent such records and controls.

In that sense, this is hardly the stuff of radical legislation. The Act's accounting provisions endorsed and incorporated accepted private-sector standards; such an approach does not suggest an intent to markedly affect the operations of the great number of companies which already had such procedures in effect.

The primary thrust of the Act's accounting provisions, in short, was to require those public companies which lacked effective internal controls or tolerated unreliable recordkeeping to comply with the standards of their better managed peers. *That* is the context in which these provisions should be construed.

The Act's Accounting Requirements

With this in mind, it is possible to resolve many of the interpretative questions concerning the accounting provisions which commentators and practitioners have raised in recent years. I will now address four of the most important: first, the degree of exactitude in recordkeeping mandated by the Act; second, the deference it affords business decisions concerning internal controls; third, whether a particular state of mind is necessary for a violation to exist; and, finally, liability for compliance by subsidiaries.

Degree of Exactitude

I turn first to the question of whether the Act's text of purpose mandates that business records and controls conform to a standard of absolute exactitude or that a company's control system meet some absolute ideal. The answer is "no." Both of the Act's accounting provisions, it should be noted, are modified by the key term "reasonable." That is, a public company's records must, "in *reasonable* detail, accurately and fairly reflect" disbursements of its assets. And, its internal accounting controls must be "sufficient to provide *reasonable* assurances" that the provision's objectives will be satisfied. In essence, therefore, the Act does provide a *de minimus* exemption, though not in absolute, quantitative terms.

Many persons, however, have not been comfortable with such a fluid legal standard. Indeed, it is the lack of more specific guidelines which, since the Act became law, seems to have generated the greatest concern. Some commentators regard the Act's accounting provisions as excessively vague. And, to resolve this perceived problem, suggestions have been made to qualify these provisions by superimposing a "materiality" test on the requirement that corporate records be accurate and on the scope of the internal controls provision.

Such a test, in fact, was advocated by a number of persons when Congress was deliberating the Act. Despite these suggestions, however, Congress determined not to incorporate such a limitation. It was correct in doing so. Internal accounting controls are not only concerned with misconduct that is material to investors, but also with a great deal of misconduct which is not.

True, materiality is a concept with which managers of public companies, accountants, and lawyers are experienced and feel relatively comfortable. For almost 50 years, it has served as the standard for determining whether, under the federal securities laws, a particular matter must be disclosed to the investing public.

But, materiality, while appropriate as a threshold standard to determine the necessity for disclosure to investors, is totally inadequate as a standard for an internal control system. It is too narrow—and thus too insensitive—an index. For a particular expenditure to be material in the context of a public corporation's financial statements—and therefore in the context of the size of the company—it would need to be, in many instances, in the millions of dollars. Such a threshold, of course, would not be a realistic standard. Procedures designed only to uncover deficiencies in amounts material for financial statement purposes would be useless for internal control purposes. Systems which tolerated omissions or errors of many thousands or even millions of dollars would not represent, by any accepted standard, adequate records and controls. The off-book expenditures, slush funds, and questionable payments that alarmed the public and caused Congress to act, it should be remembered, were in most instances of far lesser magnitude than that which would constitute financial statement materiality.

Reasonableness, rather than materiality, is the appropriate test. Reasonableness, as standard, allows flexibility in responding to particular facts and circumstances. Inherent in this concept is a toleration of deviations from the absolute. One measure of the reasonableness of a system relates to whether the expected benefits from improving it would be significantly greater than the anticipated costs of doing so. Thousands of dollars ordinarily should not be spent conserving hundreds. Further, not every procedure which may be individually cost-justifiable need be implemented; the Act allows a range of reasonable judgments.

The touchstone of this analysis is the judgment of company management. Many managerial requirements are common to all companies. The most obvious illustration of this principle is that every public company needs to establish and maintain records of sufficient accuracy to meet adequately four interrelated objectives: Appropriate reflection of corporate transactions and the disposition of assets; effective administration of other facets of the issuer's internal controls system; preparation of its financial statements in accordance with generally accepted accounting principles; and proper auditing. Thus, for all practical purposes, the adequacy of a company's control system is bounded by the adequacy of its underlying books and records.

In fact, because accurate records are so crucial to these objectives, Congress chose to incorporate a specific recordkeeping requirement into the Act. But, this provision is not an independent and unrestrained mandate to the Commission to establish novel or unprecedented corporate recordkeeping standards; it is, rather, an integral part of Congress' efforts to assure that the business community records transactions and assets in such a way as to maintain adequate control over them. And, this leads to two important conclusions: First, the Act does *not* establish any absolute standard of exactitude for corporate records. And, second, records which are not related to internal or external audits or to the four internal control objectives set forth in the Act are not within the purview of the Act's accounting provisions.

More specific managerial objectives, of course, will vary from company to company. Some companies, by their very nature, have unusual control needs. A company's management requirements may be influenced by such factors as its line of business and prior control problems. A company whose inventory consists of precious metals or jewels would require more sophisticated inventory records and controls than, for example, a dealer in cement. And, in other companies, the frequency with which relatively small losses occur from a common source may require that these losses be considered, in the aggregate, as a significant managerial problem.

Deference

This, in turn, raises questions regarding the extent to which there should be issuer liability for false books and records and the measure of deference the courts and the Commission should afford to management decisions concerning the structure of the company's internal accounting controls. With respect to issuer liability for recordkeeping violations, we will look to the adequacy of the internal control system of the issuer, the involvement of top management in the violation, and the corrective actions taken once the violation was uncovered. If a violation was committed by a low level employee, without the knowledge of top management, with an adequate system of internal control, and with appropriate corrective action taken by the issuer, we do not believe that any action against the company would be called for.

Turning to the controls question, there is an almost infinite variety of control devices which could be utilized in a particular business environment. Thus, considerable deference properly *should* be afforded to the company's reasonable business judgments in this area. The purpose of the internal accounting control provisions, after all, is to assure that a public company adopts accepted methods of recording economic events, safe-guarding assets, and conforming transactions to management's authorization. Importantly, the selection and implementation of particular control procedures, so long as they are reasonable under the circumstances, remain management prerogatives and responsibilities.

In this vein, the law long ago determined that it should avoid interfering in reasonable corporate decisionmaking which entails the exercise of good faith judgment concerning routine matters. High societal costs—including lost innovation and vexatious litigation—would result if courts could substitute their judgments for those of business executives concerning such matters. Provided that the reasonable assurances requirement set forth in the statute is met, the Act's accounting provisions, relating as they do to matters of internal corporate conduct and management, justify such deference to decisions regarding corporate records and control mechanisms; certainly nothing in the Act mandates a different standard of review.

This concept is not a mandate for board—or even most senior management—involvement in the minutia of recording and accounting for every transaction which the company may make. But, it does mean that both management and the board have important roles to play in monitoring and evaluating the adequacy of the company's records and controls systems.

This standard is not satisfied if a company's leadership, while making nominal gestures of compliance, abdicates its responsibilities to foster integrity among those who operate the system. Regardless of how technically sound an issuer's controls are, or how impressive they appear on paper, it is unlikely that control objectives will be met in the absence of a supportive environment. In the last analysis, they key to an adequate "control environment" is an approach on the part of the board and top management which makes clear what is expected, and that conformity to these expectations will be rewarded while breaches will be punished.

State of Mind

Now let us turn to the question of the state of mind needed to violate the Act's accounting provisions. It is, first of all, important to recognize that nothing in the Congressional objectives of the accounting provisions requires that inadvertent recordkeeping inaccuracies be treated as violations of the Act's recordkeeping provision. The Act's principal purpose is to reach knowing or reckless misconduct. It is probable that an injunction will be issued by a court only upon a showing of some likelihood of repetition of misconduct; this remedy would not be expected to be available upon a showing of only past inadvertent conduct. Moreover, depending on the circumstances, intentional circunventions of a company's system of records and of accounting controls by a low-level employee would not always be considered violations of the Act by the issuer. No system of adequate records and controls—no matter how effectively devised or conscientiously applied—could be expected to *prevent* all mistaken and improper transactions and dispositions of assets. Given human nature, regardless of the adequacy of the system, a bookkeeper may still erroneously post entries, an overzealous agent may make unauthorized payments, or an unscrupulous employee may falsify records for his own purposes.

The Act recognizes each of these limitations. Neither its text and legislative history nor its purposes suggest that occasional, inadvertent errors were the kind of problem that Congress sought to remedy in passing the Act. No rational federal interest in punishing insignificant mistakes has been articulated. And, the Act's accounting provisions do not require a company or its senior officials to be the guarantors of all conduct of company employees.

A failure to correct a known falsification—or a falsification that reasonably should be known—or any attempt to cover-up a falsification—is, of course, prohibited. But, this responsibility arises only when the individual in question is in some respect responsible for the records or controls, or otherwise supervises the activity giving rise to the violation. Similarly, there can be no relaxation of the proscription against the creation or maintenance of any fund that is designed to be used for "off-books" payments outside the issuer's system of internal accounting control, or against obstructing or circumventing in any significant respect the issuer's system of internal controls by misstatement to auditors or related means.

The test of a company's control system is not whether occasional failings can occur. Those will happen in the most ideally managed company. But, an adequate system of internal controls means that, when such breaches do arise, they will be isolated rather than systemic, and they will be subject to a reasonable likelihood of being uncovered in a timely manner and then remedied promptly. Barring, of course, the participation or complicity of senior company officials in the deed, when discovery and correction expeditiously follow, no failing in the company's internal accounting system would have existed. To the contrary, routine discovery and correction would evidence its effectiveness.

Subsidiaries

Finally, much concern has been raised about the issuer's liability for compliance with the accounting provisions by its subsidiaries. Where the issuer controls more than 50 percent of the voting securities of the subsidiary, compliance is expected. So, too, would it be expected if there is between 20 percent and 50 percent ownership, subject to some demonstration by the issuer that this does not amount to control. If there is less than 20 percent ownership, we will shoulder the burden to affirmatively demonstrate control.

Responding to Current Developments

While analyses of this sort can diminish the Act's ambiguities, merely making the requirements of the accounting provisions somewhat more concrete should not end our inquiry. The Commission has not ignored meaningful

developments within the private sector itself in the area of corporate accountability. Indeed, it is these developments, rather than the Act, that are the most effective antidotes to the conditions which fostered questionable payments. Let me briefly recount some of these developments:

—Independent directors. The years since the questionable payments disclosures began have witnessed a significant increase in the numbers and responsibilities of directors who are not also part of the company's management. This development is important because independent directors do not face the same short-term performance pressures as do management personnel. They are more likely, therefore, to be sensitive to the negative impact which questionable expediencies have on a company and, indeed, the entire business community. And, independent directors, particularly through the committee system, are playing an increasingly responsible role. The Commission's most recent survey found that 65 percent of directors of public companies are not part of the management of the companies they direct.

—Audit committees. Effective audit committees composed of independent directors are a significant assurance that meaningful internal controls will be established and enforced. In the mid-1970's, few such committees existed. In contrast, the Commission's most recent survey found that 85 percent of public companies now have audit committees, a number that is even higher among major companies.

—Internal auditors. The increasing acceptance of the internal auditor as an important management professional has been yet another major contributor to the quality and credibility of internal accounting control systems. And, while traditionally, internal auditors reported exclusively to more senior management, a recent study indicates that one-third of internal auditors now report directly to the board or the audit committee and that many others have direct access.

—The experience factor. Any new legislation precipitates a learning period among those it affects and a period in which business operations are brought into compliance. In substance, these are a law's start-up costs. During the three years since the enactment of the Foreign Corrupt Practices Act, major efforts have been made by the AICPA and by accounting firms to develop materials and provide guidance to assist managers and directors in establishing, evaluating, and monitoring internal accounting control systems. Many companies have reexamined their internal controls and reevaluated their review programs. It appears that this start-up investment in implementing the Foreign Corrupt Practices Act has been, for most practical purposes, substantially completed; that is, most public companies have now made the adjustments necessary for them to operate within a reasonable reading of the Act.

The Commission's Enforcement Policy

The Commission's overriding policy, in recent years, has been to allow these private-sector initiatives to flower. And, it has administered and enforced the Act's accounting provisions—which share a common accountability purpose with those initiatives—in accordance with this policy.

The genius—and challenge—of these provisions, it should be remembered, is their reliance on private sector decisionmaking—rather than specific federal edicts—to address an area of public concern. The Act's eventual success or failure will, therefore, depend primarily upon business' response. The Commission's obligation, in turn, is to provide a regulatory environment in which the private sector can address these issues meaningfully and creatively. In this regard, we must encourage public companies to develop innovative records and control systems, to modify and improve them as circumstances change, and to correct recordkeeping errors when they occur without a chilling fear of penalty or inference that a violation of the Act is involved.

All new legislation has rough edges that can be polished only by the forces of time and practical experience. To foster the innovative environment which would best effect the Act's purposes, the Commission has addressed these areas through monitoring, constructive criticism, maintaining open lines of communication, and a substantial measure of understanding. The very limited number of enforcement actions which the Commission has undertaken reflect those policies. As I noted earlier, in each of the cases which the Commission has brought under the accounting provisions, these requirements were breached as part of violations of other provisions of the federal securities laws.

Despite these considerations, I recognize, of course, that there is some sentiment that the accounting provisions should be amended. The Commission has not, thus far, taken any position on legislation of that nature. As part of the Commission's own institutional accountability, we would welcome a dialogue with Congress, if it is concerned that our actions or policies do not best serve the public interest or that the reach of the Act should be further clarified.

Conclusion

In conclusion, the Commission is meeting its difficult mandate of administering the accounting provisions of the Foreign Corrupt Practices Act in what we believe is a constructive and pragmatic manner. We have been receptive to—and responsive to—the comments and criticisms of the public, the business community, and the legal and accounting professions. Indeed, we continue to welcome such comments and discussions in light of the private sector's on-going voluntary initiatives in corporate accountability and specifically welcome reactions to this statement of Commission policy. As a consequence, I believe progress has been made—and will continue—in assuring that public companies meet the statutory mandate for accurate records and meaningful internal accounting controls, without inflicting unreasonable costs on the business community and with only minimal federal intrusion upon internal corporate decisionmaking.

[FR Doc. 81-4475 Filed 2-6-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

Trademark Opposition and Cancellation Proceedings: Compulsory Counterclaims

Correction

In FR Doc. 81-1578, published at page 6934, in the issue of Thursday, January 22, 1981, make the following corrections:

1. On page 6940, second column, § 2.114(b)(2)(i), change the period at the end of the twelfth line to a comma, and lower case the first word of the thirteenth line.

2. On the same page, § 2.114(b)(2)(ii), in the first line in the third column, the word "if" should read "is".

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 111

Second-Class Supplements

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule change amends section 425.4 of the Domestic Mail Manual to relax the eligibility requirements for the inclusion of supplements in second-class publications. Postal regulations had previously set forth detailed reqirements that second-class supplements had to meet, e.g., more than 50% of the copies of a supplement had to be distributed in second-class publications. These technical requirements have been difficult for the Postal Service to apply and unnecessarily burdensome on second-class mailers. In order to ease this burden and in keeping with its effort to offer a wide variety of postal services to the public, the Postal Service is deleting these technical restrictions on the inclusion of supplements and is requiring only that supplements be germane to the issue of the publication in which they are included.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Gordon S. Proud, Office of Mail Classification, (202) 245–4659.

SUPPLEMENTARY INFORMATION: On October 27, 1980, the Postal Service published for comment in the **Federal Register** a proposed change to section 425.4 of the Domestic Mail Manual as described above (45 FR 70916). Interested persons were invited to submit written comments concerning the proposed change by November 10, 1980. Several mailer organizations requested additional time to study and prepare comments on the proposal. In view of the requests, the comment period was extended to November 30, 1980.

A total of one hundred thirty comments were received from mailers' organizations, publishers, and other mailers; one hundred twenty-six written and four oral. One hundred eighteen commenters opposed the proposed change and nine favored the change. Three commenters did not indicate their preference.

The commenters who opposed the change generally based their arguments on the following points:

1. The change would divert advertising to newspapers at the expense of direct mail advertisers.

2. Second-class mail enjoys preferred rates for the purpose of disseminating news rather than advertising.

3. The change is in effect a reclassification of supplements to the benefit of newspapers and to the detriment of third-class mail users.

4. The change will result in substantial revenue losses to the Postal Service which is paradoxical at a time when the Postal Service seeks more revenues through raising its rates.

The commenters who favored the rule change were, for the most part, second-class publishers. However, favorable comments were submitted by two advertisers as well.

The Postal Service has reviewed the proposed rule change in light of the comments received and still favors adoption of the change as published because the Postal Service has the responsibility and desire to offer a wide variety of services to the American public. In addition, the Postal Service, as noted in the proposed rule, has had problems administering the present regulations concerning supplements to second-class publications. We believe that these strict regulations impose unnecessary, cumbersome and overly technical requirements on second-class mailers.

We feel that the proposed simplification of the second-class supplement regulations will both further the efforts of the federal government to reduce unnecessarily burdensome regulations and provide a broader choice of classes and services for all mailers. We do not anticipate a significant shift of material from third-class mail to supplements included in second-class publications. Therefore, we have concluded that the flexibility afforded all mailers by this change outweighs the possible negative aspects some mailers envision.

For the above reasons, the Postal Service hereby adopts the following amendment to section 425.4 of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. *See 39 CFR 111.1.*

Part 425—What May Be Mailed at the Second-Class Rates

In part 425, amend section 425.4 to read as follows:

425.4 Supplements. Publishers may include supplements in the regular issue of a publication entered as second-class mail subject to the following conditions:

a. The supplements must be germane to the issue, having been omitted in the interest of space, time or convenience.

b. The supplement must be folded and mailed with the regular issue.

This rule is being adopted on the date of publication because it provides for a relaxation of existing restrictions on the inclusion of supplements in second-class publications. It permits second-class publishers to include previously prohibited materials but does not require any publisher to do so. For these reasons, the Postal Service believes there to be no justification for a delay in the rule's implementation.

A transmittal letter making this change in the pages of the Domestic Mail Manual will be published and transmitted to subscribers automaticaly. This change will be published in the **Federal Register** as provided in 39 CFR 111.3

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

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-4477 Filed 2-6-81; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[FCC 81-14]

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

AGENCY: Federal Communications Commission.

ACTION: Certification of certain rulemaking proceedings under the Regulatory Flexibility Act.

SUMMARY: This action certifies that rule making proceedings proposing the amendment of §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, will not have a significant economic impact on a substantial number of small entities. Therefore, the provisions of Sections 603 and 604 of the Regulatory Flexibility Act do not apply to these proceedings. This action also orders that a statement to that effect shall be included in all Notices of Proposed Rule Making and Reports and Orders in such proceedings, and orders that a copy of this Order be sent to the Chief Counsel for Advocacy of the Small Business Administration.

EFFECTIVE DATE: January 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Order

Adopted: January 8, 1981.

Released: January 26, 1981.

By the Commission: Chairman Ferris absent.

In re Matter of 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.

1. The Commission has before it for consideration the application of the

Regulatory Flexibility Act of 1980 [1] to the handling of rule making proceedings involving the amendment of the tables of FM or TV channel assignments found in §§ 73.202(b), 73.504 and 73.606(b) of our rules. The Regulatory Flexibility Act requires that, for rule making proceedings commenced after January 1, 1981, Federal agencies follow certain procedures whenever the rule, if adopted, would have a significant economic impact on a substantial number of small "entities." [2]

2. In connection with the issuance of Notices of Proposed Rule Making, Section 603 of the Regulatory Flexibility Act requires the Commission to prepare and make available for public comment an analysis of the impact of the proposed rule on small entities. In connection with a Report and Order, Section 604 requires a final analysis to accompany the promulgation of rules. However, under Section 605 of the Regulatory Flexibility Act, the requirements of Sections 603 and 604 shall not apply to rule making if the rule would not have a significant economic impact on a substantial number of small entities. In such cases, the head of the agency involved is called upon to issue a certification to that effect, which is to be published in the **Federal Register** and sent to the Chief Counsel for Advocacy of the Small Business Administration.

3. Sections 73.202(b), 73.504 and 73.606(b) of the Commission's rules contain the FM and TV tables of assignments. These tables are lists of communities throughout the United States, along with the FM or TV channel(s) that are available for use in those communities. The Commission has determined that the allocation of FM and TV stations in this manner would best carry out the mandate of Section 307(b) of the Communications Act of 1934, to provide for the fair, equitable and efficient distribution of radio services throughout the United States.

4. However, the tables were not designed to be saturated. That is, new communities and/or channels could be added from time to time as needed. Because the tables themselves are part of the Commission's rules, rule making is required to amend the relevant table by the addition of a new community with its assigned channel or the addition of a new channel to a community already on the table but without an unoccupied channel. Approximately 150 new requests to amend the tables are filed each year. Generally, once it has been established that the proposed station location is a community and the proposed channel meets all the Commission's minimum mileage separation requirements, the request is granted. Rarely is there any interest in the matter beyond the directly affected parties.

5. As is apparent from the foregoing, the process by which the Commission routinely amends the tables maintains the same procedural safeguards as other rule makings, but these individual cases are concerned with only a very limited number of communities and/or parties. In fact, in most cases only one community and party is involved. It therefore appears that rule making proceedings involving amendments to the tables do not involve substantial impact on a significant number of entities.

6. Accordingly, The Commission Certifies That rule making proceedings proposing amendments to §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, will not have a significant economic impact on a substantial number of small entities. Therefore, the provisions of Sections 603 and 604 of the Regulatory Flexibility Act do not apply to these proceedings.

7. It is ordered, That a statement to this effect shall be included in all Notices of Proposed Rule Making and Reports and Orders in these proceedings, most of which are adopted by delegated authority. Because the nature of the rule making is the same in each instance, there is no need for a separate finding by the Commission itself in each case. This *Order* is designed to apply to all such cases and interested parties are so advised.

8. It is further ordered, That a copy of this *Order* shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-4466 Filed 2-6-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Pub. L. 96-354, September 19, 1980, 94 Stat. 1164; 5 U.S.C. 601 *et seq.*

[2] The term small entities encompasses small businesses, small non-profit enterprises and small governmental entities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 42, 201, 215, 241, 300, 510, 885, 3282, 3500 and 3610

[Docket No. R-81-911]

Withdrawal of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of withdrawal of regulations.

SUMMARY: On January 29, 1981 a memorandum was issued by the President which, among other things, directs executive agencies to postpone for 60 days the effective date of those regulations which have been published but have not yet taken effect. Pursuant to the President's memorandum, HUD is withdrawing two interim and nine final rules.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the following regulations listed below are being withdrawn. By withdrawing these regulations, the Secretary continues in effect all current requirements and provisions of the Code of Federal Regulations which these regulations would have changed or amended had they become effective. Where no regulation currently exists, none is adopted unless further rulemaking action is taken. The withdrawal of these regulations is without prejudice to such other action as the Secretary may take at a future time in this or any other rulemaking proceeding.

Office of the Secretary

Part 42, Uniform Relocation Assistance and Real Property Acquisition, Final Rule (R-80-686), 45 FR 81740, December 12, 1980.

Office of Assistant Secretary for Housing-FHA Commissioner

Part 201, Property Improvement and Manufactured (Mobile) Home Loans, Subpart B—Manufactured (Mobile) Home Loans, Revises Section 201.530, Final Rule (R-81-898), 46 FR 4872, January 19, 1981.

Part 215, Rent Supplement Payments, Interim Rule (R-80-895), 45 FR 84046, December 22, 1980.

Part 241, Subchapter B—Mortgage and Loan Insurance Programs Under the National Housing Act (Amends Section 241.65), Final Rule (R-80-896), 46 FR 3842, January 16, 1981.

Part 885, Loans for Housing for the Elderly or Handicapped (Interest Rate Determination), Final Rule (R-81-897), 46 FR 3843, January 16, 1981.

Government National Mortgage Association

Part 300, General, List of Attorneys-in-Fact, Final Rule (R-80-902), 46 FR 1261, January 6, 1981.

Office of Assistant Secretary for Community Planning and Development

Part 510, Section 312 Rehabilitation Loan Program, Final Rule (R–80–781), 45 FR 59702, September 10, 1980.

Part 510, Section 312 Rehabilitation Loan Program, (Implements 1980 Legislative Amendments), Final Rule (R–80–893), 346 FR 3503, January 15, 1981.

Office of Assistant Secretary for Neighorhoods, Voluntary Associations and Consumer Protection

Part 3282, Manufactured Home Procedural and Enforcement Regulations—Formal Investigations and Adjudicative Hearings, Final Rule (R–80–748), 45 FR 62854, December 16, 1980.

Part 3500, RESPA Section 8, Anti-Kickback Regulations, Interim Rule (R–80–894), 45 FR 84048, December 22, 1980.

Part 3610, Neighborhood Self-Help Development Program, Program Requirements, Final Rule (R–80–715), 45 FR 81743, December 12, 1980.

(Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C. February 3, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81–4718 Filed 2–6–81; 11:48 am]

BILLING CODE 4210–01–M

Proposed Rules

Federal Register
Vol. 46, No. 26
Monday, February 9, 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

Farmers Home Administration

7 CFR Part 1941

Operating Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations pertaining to operating loans. The intended effect of this action is to limit the size of individual youth loans to $10,000. This action is needed to insure that projects continue to be modest in size and scope and within a youth's management and physical ability to carry out the objectives of the loan.

DATES: Comments must be received on or before April 10, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Leroy Jones, U.S. Department of Agriculture, Farmers Home Administration, Room 5317, South Agriculture Building, Washington, D.C. 20250. Telephone: (202) 447–4669. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option, is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. Telephone: (202) 447–4057.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant". This instruction does not directly affect any FmHA programs or projects which are subject to A–95 Clearinghouse review. FmHA proposes to amend Section 1941.17 of Subpart A of Part 1941, Chapter XVIII, Title 7, Code of Federal Regulations, to limit the size of individual youth loans to $10,000. Section 311(b)(1) of the Consolidated Farm and Rural Development Act authorizes FmHA to make loans to youth who are rural residents in connection with their participation in 4–H, FFA, and similar organizations. This legislation was passed in 1972. FmHA feels that the primary purpose of the youth loan program is to enable a rural youth age 10 through 20 to establish and operate a modest, income-producing farm or nonfarm project in a rural area. The loans provide educational and practical opportunities for youth to learn basic economic and credit principles and acquire experience and skills for self-improvement. Many youth loan projects become the means for future self-employment and/or provide the knowledge and skills needed to work for others.

Youth loan projects provide opportunity for and encourage youth to remain in rural areas. The projects bring practical meaning to the youth's education, stimulate the learning process, and encourage the acceptance of responsibility. In addition, the projects provide a source of income.

FmHA believes that a modest project is one that is limited in physical size, capital requirements, and overall objectives. Such projects may include:

(a) Lawn and garden service.
(b) Livestock and crop production.
(c) Repair shops.
(d) Catering service.
(e) Art and craft sales.
(f) Roadside stands and many others.

The average size youth loan from 1973 to 1980 were as follows:

FmHA Youth Loan Record

Fiscal year	Number of loans made	Total amount of loans made	Average size loan
1973	202	$612,910	$3,034
1974	5,182	16,019,070	3,091
1975	2,563	6,709,690	2,598
1976	1,923	5,399,100	2,807
1977	1,345	4,324,640	3,215
1978	1,381	5,047,000	3,655
1979	1,294	5,223,920	4,037
1980	1,052	4,928,880	4,685

1. The authority citation for Part 1941 reads as follows:

Authority: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.32; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

2. As proposed, § 1941.17 of Subpart A of part 1941 is revised to read as follows:

§ 1941.17 Loan limitations.

The total outstanding insured OL principal balance may not exceed $100,000 at loan closing. Loans may not be made for the purchase of real estate, making principal payments on real estate, or refinancing any debts incurred for the purchase of real estate. In addition loans may not be make to pay land lease costs under any program other than cash rent. The total outstanding youth loan principal balance may not exceed $10,000 at loan closing except for youth loan applicants whose loan was approved on or before 1981. (The date to be inserted will be the effective date of the Final Rule Publication).

This document has been reviewed in accordance with FmHA Instruction 1901–G "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the human environment and in accordance with the National Environmental Policy Act of 1967, P.L. 91–190, an Environmental Impact Statement is not required.

Dated: January 30, 1981.

H. Allan Brock,
Acting Assistant Secretary for Rural Development.

[FR Doc. 81–4550 Filed 2–6–81; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80–CE–24–AD]

Airworthiness Directives; Gates Learjet 23, 24, 25, 28, 29, 35, and 36 Model/Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rule Making (NPRM).

SUMMARY: This action withdraws the Notice of Proposed Rule Making (NPRM), Docket 80-CE-24-AD, published in the **Federal Register** on August 21, 1980. The notice proposed to adopt an Airworthiness Directive (AD) that would require reworking the rudder pedals and replacing the heelplate on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 Model/Series airplanes in accordance with Gates Learjet Airplane Modification Kit (AMK) 80-1. This modification provides greater clearance between the rudder pedals and floorboard and in turn eliminates the potential for the pilot's shoe heel becoming lodged between the pedal and heelplate. Subsequent evaluations of the proposed modification to the rudder pedal indicate that inadvertent brake activation can occur when rudder pedal forces are induced. This characteristic makes the modification unsatisfactory. Accordingly, the NPRM is hereby withdrawn.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Marvin Beene, Airframe Section, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: The possibility of the pilot's shoe heel becoming lodged between the rudder pedal and heelplate has been reported as a potential accident causal factor in Gates Learjet 23, 24, 25, 28, 29, 35 and 36 model/series airplanes. Although no evidence has been provided that unquestionably points to this as the specific cause of any accident, it has been demonstrated during ground tests that lodging is, in fact, possible. Interference may occur after the rudder pedal is moved to the most forward position and pressure is applied to the opposite pedal, an operation that could occur during single engine operation. Heel lodging is most likely to occur when shoes having large heels similar to those used on contemporary high fashion shoes or possibly western style boots. To eliminate this possibility, Gates Learjet developed Airplane Modification Kit (AMK) 80-1. This kit provides instructions for modifying the rudder pedals to effect an increase in pedal to floorboard clearance by reducing the surface area of the pedal foot pad. Instructions are also given in AMK 80-1 for replacement of the heelplate. The new heelplate is larger with significantly improved carpet to heelplate interface and floorboard attachment provisions. Since the condition described herein could exist or develop in other airplanes of the same type design, the proposed AD would have made compliance with the aforementioned modification kit mandatory on certain Gates Learjet 23, 24, 25, 28, 29, 35 and 36 model/series airplanes.

Interested persons, including registered owners/operators of some 950 affected aircraft, were afforded an opportunity to comment on the proposed AD. Twenty-six comments were received, of which five were in favor of adopting the amendment and twenty-one against. Of the 21 opposing the AD, 11 said they had never experienced any interference or lodging problem. Four of the 21, plus two individuals favoring the AD, admitted having experienced shoe heel/heelplate interference, or that the possibility does exist, but only while wearing shoes with large heels and/or by improperly placing the foot on the rudder pedal. The twenty-one commenters that disagreed with adopting the AD strongly opposed it as being totally unnecessary. They maintain the AD will impose unwarranted expenses on all owners to compensate for the questionable judgment of a few pilots who elect to wear non-standard style footwear in the cockpit. These commenters believe operators/owners/pilots should be allowed to independently cope, as they choose, with an interference problem that may exist. Suggestions offered include: require pilots to change style of footwear; train personnel in proper foot placement on the rudder pedals; remove or extend the heelplate; decrease thickness of carpet, or incorporate Gates Learjet Airplane Modification Kit 80-1.

Some commenters also suggested that in lieu of the AD, the FAA should issue a notice to owners cautioning them of the potential problem and also require a warning note be added to the appropriate flight manuals. An Airworthiness Alert, Operations Bulletin, Flight Manual Change, and a Gates Learjet Service News Letter, each with notes directing owner/operator/pilot attention to this issue, were all published prior to initiating the NPRM.

Subsequent to the publication of the NPRM, in-service experience with airplanes modified per AMK 80-1 indicates that brake activation can occur when rudder pedal forces are applied. This undesirable condition, however, influences flight characteristics only for that emergency condition in which a take-off is attempted after power on one engine is lost at precisely the take-off decision speed, V_1. Gates Learjet is currently redesigning the pedal to eliminate this unwanted characteristic, yet retain the desired pedal to heelplate clearance.

Since it has been established that the proposed fix is operationally unsatisfactory, the NPRM is being withdrawn. Any future rule making action will depend on the effectiveness of the new design and a reassessment of the safety hazards associated with the original and intermediate designs. The withdrawal of the Notice does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

The Withdrawal

For the reasons stated above, Notice of Proposed Rule Making, Docket No. 80-CE-24-AD published in the **Federal Register** on August 21, 1980 (45 FR 55754), is hereby withdrawn.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.85)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 78-CE-1-AD, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5446.

Issued in Kansas City, Missouri, on January 27, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc.81-4325 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASO-74]

Amendment to Restricted Area, Fort Stewart, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to further subdivide Restricted Areas R-3005A and R-3005B into R-3005A, R-3005B, R-3005C, R-3005D and R-3005E, and to slightly expand the overall size of the restricted airspace to coincide with the military reservation boundary. The amendment is needed to accommodate the establishment of an instrument

approach to Liberty County Airport and to contain military artillery firing conducted within the military reservation boundary. Unauthorized flight by nonparticipating aircraft is prohibited within a restricted area during its designated times of use.

DATES: Comments must be received on or before March 9, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 80-ASO-74, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written date, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlantic, Ga. 30320. All communications received on or before March 9, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. persons interested in being placed on a mailing list for future NPRMs should also request a copy Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR part 73) to further subdivide Restricted Areas R-3005A and R-3005B, Fort Stewart, Ga., into R-3005A, R-3005B, R-3005C, R-3005D, R-3005E and to align the restricted area boundaries so they concide with the Fort Stewart military reservation boundaries. These restricted areas protect aircraft from the hazards associated with artillery firing conducted on the military reservation. Although the overall amount of restricted area air space is slightly increased, the realignment and subdivision will provide for more efficient utilization of the affected airspace and permit the establishment of an NDB instrument approach into Liberty County Airport unencumbered by the codesignation of restricted airspace. Section 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR part 73) was republished in the **Federal Register** on January 2, 1981 (46 FR 798).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 798) as follows:

1. Under "R-3005A Fort Stewart, Ga., Boundaries." replace the description with the following:

"Beginning at Lat. 32°07'00"N., Long. 81°43'30"W.; to Lat. 32°06'45"N., Long. 81°37'00"W.; thence south along Georgia Highway 119 to Lat. 31°54'00"N., Long. 81°38'15"W.; thence west along Georgia Highway 144 to Lat. 31°55'30"N., Long. 81°53'00"W.; to Lat. 31°57'00"N., Long. 81°53'15"W.; to Lat. 31°59'45"N., Long. 81°51'06"W.; to Lat. 32°02'21"N., Long. 81°50'42"W.; to Lat. 32°02'59"N., Long. 81°51'26"W.; to Lat. 32°05'24"N., Long. 81°50'03"W.; to Lat. 32°07'28"N., Long. 81°47'17"W.; to point of beginning."

2. Under "R-3005B Fort Stewart, Ga., Boundaries." replace the description with the following:

"Beginning at Lat. 32°06'45"N., Long. 81°37'00"W.; to Lat. 32°06'15"N., Long. 81°31'30"W.; to Lat. 32°05'30"N., Long. 81°31'30"W.; to Lat. 32°05'15"N., Long. 81°30'00"W.; to Lat. 31°56'30"N., Long. 81°30'00"W.; thence counterclockwise along the arc of a 5-mile radius circle centered at Lat. 31°53'20"N., Long. 81°33'45"W.; to Lat. 31°56'48"N., Long. 81°30'42"W.; thence southwest along Georgia Highway 144 to Lat. 31°53'11"N., Long. 81°37'51"W.; thence north along Georgia Highway 119 to point of beginning."

3. Add the following new restricted areas:

R-3005C Fort Stewart, Ga.

Boundaries. Beginning at Lat. 32°05'15"N., Long. 81°30'00"W.; to Lat. 32°04'15"N., Long. 81°22'30"W.; thence along the Ogeechee River to Lat. 32°00'30"N., Long. 81°19'30"W.; to Lat. 31°58'45"N., Long. 81°19'45"W.; to Lat. 31°57'30"N., Long. 81°21'00"W.; to Lat. 32°02'00"N., Long. 81°30'00"W.; thence to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of use. Continuous.
Controlling agency. FAA Jacksonville ARTC Center.
Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

R-3005D Fort Stewart, Ga.

Boundaries. Beginning at Lat. 31°57'30"N., Long. 81°21'00"W.; to Lat. 31°56'15"N., Long. 81°23'00"W.; to Lat. 31°54'03"N., Long. 81°28'45"W.; thence counterclockwise along the arc of a 5-mile radius circle centered at Lat. 31°53'20"N., Long. 81°33'45"W.; to Lat. 31°56'30"N., Long. 81°30'00"W.; to Lat. 32°02'00"N., Long. 81°30'00"W.; thence to point of beginning.
Designated Altitudes. Surface to 29,000 feet MSL.
Time of use. Continuous.
Controlling Agency. FAA Jacksonville ARTC Center.
Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

R-3005E Fort Stewart, Ga.

Boundaries. Beginning at Lat. 31°54'00"N., Long. 81°38'15"W.; to Lat. 31°53'11"N., Long. 81°37'51"W.;to Lat. 31°52'20"N., Long. 81°38'10"W.; to Lat. 31°51'55"N., Long. 81°39'50"W.; to Lat. 31°51'30"N., Long. 81°41'45"W.; to Lat. 31°55'00"N., Long. 81°53'00"W.; to Lat. 31°55'30"N., Long. 81°53'00"W.; thence east along Georgia Highway 144 to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of use. Continuous
Controlling agency. FAA Jacksonville ARTC Center.
Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which

frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on January 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4323 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-11]

Designation of Control Zone, Proposed Establishment of Control Zone; Coeur d'Alene, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a control zone at Coeur d'Alene, Idaho, to provide controlled airspace to protect aircraft executing instrument procedures at Coeur d'Alene Municipal Airport. The control zone, in conjunction with recently established weather reporting and revised approach procedures, will enhance all IFR operations at Coeur d'Alene. The zone will also qualify the airport for additional commercial operations.

DATE: Comments must be received on or before March 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist, Operations, Procedures, and Airspace Branch, (ANW-534), Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108: telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 80-ANW-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, ANW-530, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108, or by calling (206) 767-2610. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a control zone for the Coeur d'Alene Municipal Airport. The control zone, if designated, will allow aircraft to remain in controlled airspace while conducting instrument operations at the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455), by adding a control zone to Coeur d'Alene, Idaho, as follows:

Coeur d'Alene, Idaho

Within a 5-mile radius of Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho (latitude 47°46'28"N, longitude 116°49'05"W); within 4 miles each side of the Coeur d'Alene VOR 251° radial extending from the 5-mile radius zone to 7 miles southwest of the airport. The control zone is effective from 0800 to 2000 hours, local time, daily.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

It has further been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Wash., on January 22, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-4330 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[EDR-325B; Economic Regulations; Docket 30310]

Certification of Commuter Air Carriers; Notice of Termination of Proceeding

Correction

In FR Doc. 81-2742 appearing on page 8566 in the issue for Tuesday, January 27, 1981, make the following correction:

On page 8566, in the first column, in the document heading, the EDR number "3250" should have read 325B".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[CGD 79-116a]

Qualification of Persons in Charge of Oil Transfer Operations

AGENCY: Coast Guard, DOT.

ACTION: Addition of public hearing date and extension of comment period for proposed rules.

SUMMARY: In the Federal Register of December 18, 1980 (45 FR 83268) the Coast Guard proposed changes in the qualifications of persons in charge of oil transfer operations. This notice adds the following public hearing to the already published schedule: April 1, 1981, Room 2230, Nassif Building, 7th and D Sts. SW., Washington, D.C. All other public hearing dates and locations are unchanged. Further, the public comment period for this proposed rule is extended to May 1, 1981. The original closing date for public comments was April 1, 1981. These actions have been taken in response to requests from several organizations and individuals who feel that the original dates for public hearings and public comment were not adequate.

DATES: As discussed above, a public hearing has been added for April 1, 1981 in Washington, D.C. Further, the public comment period has been extended to May 1, 1981.

ADDRESSES: 1. Comments should be mailed to Commandant (G-CMC/24), (CGD 79-116a), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G-CMC/24), Room 2418, 2100 Second Street SW., U.S. Coast Guard Headquarters, Washington, D.C. 20593.

2. An added public hearing will be held on April 1, 1981 in Room 2230, Nassif Building, 7th and D Sts. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Cdr. W. R. Arnet, Jr., Office of Merchant Marine Safety (G-MVP-3/14), Room 1400, U.S. Coast Guard Headquarters Building, Washington, D.C. 20593 (202-426-2251).

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Commander W. R. Arnet, Jr., Project Manager, Office of Merchant Marine Safety, and Lieutenant Kenneth Johnson, Project Attorney, Office of the Chief Counsel.

[46 USC 391a, as amended by P.L. 95-474, 92 Stat. 1480, 49 USC 1655 (b)(1); 49 CFR 1.46 (n)(4)]

Clyde T. Lusk, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

January 29, 1981.

[FR Doc. 81-4335 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Grand Teton National Park; Noise Abatement Plan Regulations

AGENCY: National Park Service, Interior.

ACTION: Withdrawal of proposed rule.

SUMMARY: On October 16, 1980, (45 FR 68687), the National Park Service published proposed rules redescribing the location of the area assigned for the Jackson Hole Airport and implementing provisions of the Noise Abatement Plan relative to aircraft noise limitations, curfew, and preferential runway. The purpose of this notice is to withdraw that proposed rulemaking.

EFFECTIVE DATE: February 9, 1981.

ADDRESSES: Questions concerning this action may be addressed to the Regional Director, Rocky Mountain Regional Office, National Park Service 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225

FOR FURTHER INFORMATION CONTACT: Robert Yearout, Superintendent's Office Grand Teton National Park, Post Office Drawer 170, Moose, Wyoming 83012, telephone (307) 733-2880; or Neil J. Reid, Chief, Division of Science and Resource Preservation, Rocky Mountain Regional Office, telephone (303) 234-2764).

SUPPLEMENTARY INFORMATION: On November 14, 1980, Senators Simpson and Wallop of Wyoming introduced an amendment to the department of the Interior FY 1981 appropriations bill which precluded the Service from using appropriated funds to implement or enforce the Service's Noise Abatement Plan, or any proposed regulations relating to the Airport, prior to the construction and operation of a permanent air traffic control tower. Senator Simpson cited safety concerns regarding the preferential runway proposal (without a control tower operation), the "arbitrary" nature of the noise limitation imposed by the Plan, and the inconvenience and economic impact of the Plan on the traveling public and the community. The amendment was adopted by the Senate and considered by the House/Senate Conference Committee considering the bill.

The Department of the Interior responded to the Committee that "an air traffic control tower is important to the safe operation of the Jackson Hole Airport, and in fact, provision for the tower is made in the Noise Abatement Plan. However, The Senate limitation would preclude the Service from implementing those portions of the Plan which can be safely implemented without a tower. These would include limitations on noise levels and curfews on operations at the Airport. The National Park Service has no intention of implementing any portion of the Plan which requires a control tower for safe operation of the Airport until the control tower is in operation."

After considering the above, the conferees agreed to the following revised amendment: "Provided further that none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park, or any of the proposed regulations to apply to the Jackson Hole Airport." This amendment was subsequently agreed to by the House of Representatives and the Senate, and the Appropriations Bill was signed by the President on December 8, 1980.

In view of the fact that funds cannot be expended to implement or enforce the Noise Abatement Plan, the proposed regulations are being withdrawn.

Stanley T. Albright,

Associate Director, Management and Operations.

[FR Doc. 81-4345 Filed 2-6-81; 8:45 am]

BILLING CODE 4310-70-M

36 CFR Part 7

Glacier Bay National Monument; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction of Proposed Rule.

SUMMARY: The purpose of this notice is to correct references to final rules found in the proposed rule for protection of humpback whales within Glacier Bay National Monument published December 29, 1980 (45 FR 85480). The references in this proposed rulemaking should be to the final rulemaking on the same subject published December 30, 1980 (45 FR 85741).

FOR FURTHER INFORMATION CONTACT: John Chapman, Superintendent, Glacier Bay National Monument, P.O. Box 1089,

Juneau, Alaska 99802, Telephone: (907) 586–7137.

SUPPLEMENTARY INFORMATION: On December 29 and 30, 1980, the National Park Service published proposed and final rules regarding protection of humpback whales within Glacier Bay National Monument (45 FR 85480 and 45 FR 85741, respectively). It was the intention of the National Park Service that both sets of regulations be published on the same date. For that reason, supplementary information in the proposed rule references information published in the final rule. However, this was not done, and the result could be confusing.

Therefore, any references to final rules and attendant supplementary information found in the proposed rule for protection of humpback whales within Glacier Bay published December 29, 1980 (45 FR 85480) refers to the final rulemaking on the same subject published December 30, 1980 (45 FR 85741).

Authority: (Presidential Proclamations Nos. 1733 (Stat. 1988), 2330 (53 Stat. 2534), and 4618 (43 FR 57053); Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 1 *et seq.*); 245 DM 1 (44 FR 23384); and National Park Service Order 77 (38 FR 7478), as amended)

Stanley T. Albright,

Associate Director, Management and Operations.

[FR Doc. 81-4546 Filed 2-6-81; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1749-5]

Standards of Performance for New Stationary Sources; Surface Coating of Metal Furniture; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action provides for a 30-day extension of the comment period for the proposed standards of performance for surface coating of metal furniture. These standards were proposed in the **Federal Register** on November 28, 1980 (45 FR 79390). This action responds to a request from the Health Industry Manufacturers Association for an extension of the comment period. This extension will allow additional time for the industry to further evaluate the proposed standards and submit additional information and data.

DATES: Comments must be postmarked no later than March 10, 1981. Also, written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing on January 9, 1981, must be postmarked no later than March 10, 1981.

ADDRESS: Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–79–47, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5421.

Dated: February 4, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-4536 Filed 2-6-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Park Service

43 CFR Parts 3100 and 3500

Oil and Gas Leasing, and Leasing of Minerals Other Than Oil and Gas; Special Acts; Extension of Comment Period

AGENCY: Bureau of Land Management and National Park Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: Notice is hereby given that the comment period for the proposed regulations to govern mineral leasing in units of the National Park System, published in the December 22, 1980 **Federal Register** (45 FR 84390), is being extended until February 18, 1981. It is necessary to extend this comment period because of the complexity of the regulations and the importance of soliciting adequate public comment.

DATES: Written comments, suggestions or objections will be accepted until February 18, 1981.

ADDRESS: Send comments to: Manager, Denver Service Center, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Norman J. Reigle at the above address or telephone (303) 234–6239.

Cleo F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

January 30, 1981.

[FR Doc. 81-4547 Filed 2-6-81; 8:45 am]

BILLING CODE 4310-70-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1152

Nondiscrimination in Federally Assisted Programs

AGENCY: National Endowment for the Arts.

ACTION: Proposed Regulations.

SUMMARY: The National Endowment for the Arts is proposing amendments to regulations previously issued by the National Foundation on the Arts and the Humanities under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.* The proposed regulations, in addition to revising existing Foundation Title VI regulations published in 1973 (38 FR 17991, July 5, 1973), would make the regulations applicable solely to the National Endowment for the Arts. National Endowment for the Humanities regulations under Title VI will be issued under a separate Subchapter. Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Endowment financial assistance.

In accordance with suggestions received from the Office of Coordination and Review, Department of Justice, section 1110.10 of the regulations regarding the conduct of investigations substantially has been modified. Also, the regulations as amended name "the Director, Division of Human Rights in the Arts" as the official responsible for certain civil rights compliance decisions. In addition, under the amended regulations the General Counsel's office will be responsible for the conduct of hearings. Finally, the definition section of the regulations has been revised to include the racial/ethnic classifications set forth in Department of Commerce Directive No. 15.

DATES: The National Endowment for the Arts welcomes comments on these proposed regulations. Comments received by April 10, 1981 will be given consideration.

ADDRESSES: All comments should be submitted in writing to Susan Liberman, Assistant to the General Counsel,

National Endowment for the Arts, 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:
Susan Liberman, (202) 634–6588.

Dated: January 28, 1981.

Livingston L. Biddle, Jr.,

Chairman, National Endowment for the Arts.

45 CFR Part 1152 is added to read as follows:

PART 1152—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec.

1152.1 Purpose.
1152.2 Application.
1152.3 Definitions.
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1152.16 Procedure for effecting compliance.
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1152.18 Decisions and notices.
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1152.20 Effect on other regulations, forms and instructions.
1152.21 [Reserved.]
Appendix A

Authority: Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 252, 42 U.S.C. 2000d; National Foundation on the Arts and the Humanities Act of 1965, Pub. L. 89–209, 79 Stat. 852, 20 U.S.C. 959(a)(1).

§1152.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.* (Title VI) and Federal regulations published by the Department of Justice, 28 C.F.R. 42.401–42.415, to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the National Endowment for the Arts.

§ 1152.2 Application.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the National Endowment for the Arts including the Federally assisted programs and activities listed in Appendix A of this Part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the Part, including assistance pursuant to an application approved prior to such date. It also applies to Federal financial assistance extended to any such program prior to the effective date to this Part under a contract or grant where the term of the contract or grant continues beyond such date or where the assistance was to provide real or personal property and the recipient or his transferee continues to use or retain ownership or possession of the property (see § 1152.6(a)(1)). This part does not apply to (a) Federal financial assistance by way of insurance or guaranty contract, (b) Assistance to any individual who is the ultimate beneficiary under any such program, or (c) Employment practices under a program of any employer, employment agency, or labor organization except those (1) where the primary objective of the Federal financial assistance is to provide employment, or (2) which cause discrimination on the basis of race, color, or national origin. The fact that a program or activity is not listed an Appendix A Small not mean, if Title VI is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the **Federal Register.**

§ 1152.3 Definitions.

As used in this Part:

(a) *"Foundation"* means the National Foundation on the Arts and the Humanities, and includes the National Endowment for the Arts, the National Endowment for the Humanities, and each of their organizational units.

(b) *"Endowment"* means the National Endowment for the Arts.

(c) *"Chair"* means the Chairman of the National Endowment for the Arts.

(d) *"United States"* means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) *"Federal Financial Assistance"* includes (1) grants and loans of Federal funds, (2) the grant or the donation of Federal property and interests, in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) *"Program"* includes any program, project, or activity involving the provision of services, financial aid, or other benefits to individuals (including education or training, health, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or othjer assistance to individuals), or for provision of facilities for furnishing services, financial aid or other benefits to individuals. The service, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) *"Facility"* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) *"Recipient"* means any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the U.S., or a political subdivision or instrumentality thereof, any public or private agency, institution, or organization, or other entity or any individual to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) *"Primary Recipients"* means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purposes of carrying out a program.

(j) *"Applicant"* means one who submits an application, request, or plan required to be approved by a responsible Endowment official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(k) *"Racial/Ethnic Classifications"* refers to any person or persons who are: (1) Black, not of Hispanic Origin: A person having origins in any of the black racial groups of Africa; (2) Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture of origin, regardless of race; (3) Asian or Pacific Islander: A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa; (4) American Indian or Alaskan Native: A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition;

(5) White: A person having origins in any of the original people of Europe, North Africa, or the Middle East. Additional subcategories based on national origin or primary language spoken may be used where appropriate on either a national or a regional basis. Subparagraphs (1) through (5), inclusive set forth in this section are in conformity with Department of Commerce Directive No. 15 of the Office of Federal Statistics Policy and Standards.

§ 1152.4 [Reserved].

§ 1152.5 Discrimination prohibited.

(a) General. No person in the United States shall, on grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) Specific discriminatory actions prohibited. (1) A recipient under any program to which this Part applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

(i) Deny any individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat any individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds or race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or this Part.

(4) As used in this section, the service, financial aid, or other benefits provided under a program receiving Federal financial assistance shall include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national orgin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which the regulation applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of Title VI and this Part.

(c) Employment practices. (1) Where a primary objective of the Federal financial assistance to a program to which this Part applies is to provide employment, a recipient may not directly or through contractual or other arrangements subject an individual to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation and use of facilities), including programs where a primary objective of the Federal financial assistance is:

(i) To assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training; or

(ii) To provide work experience which contributes to the education or training of such individuals; or

(iii) To reduce the unemployment of such individuals or to help them through employment to meet subsistence needs.

(2) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11246 or any executive order which supersedes it.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of section 1152.5(c)(1) shall apply to the employment practices of the recipient or

other persons subject to the regulation, to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of, beneficiaries.

§ 1152.6 Assurances required.

(a) General. (1) Every application for Federal financial assistance to carry out a program to which this Part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this Part. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer; and any other type or form of assistance, the assurances shall be in effect for the duration of the period during which Federal financial assistance is extended to the program. The Director, Division of Human Rights in the Arts, shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, successors in interest, and other participants in the program. Any such assurances shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer, shall contain a convenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a convenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such convenant may also include a condition coupled with a right to be reserved by the Endowment to revert title to the property in the event of a breach of the convenant where, in the discretion of the Director, Division of Human Rights in the Arts, such a condition and right to reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Chair of the Endowment may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he/she deems appropriate, to forebear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of the General Services Administration. (41 CFR 101-6.2)

(b) Continuing State programs. Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this Part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this Part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Director, Division of Human Rights in the Arts, to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

(c) Elementary and secondary schools. The requirements of paragraph (a) of this section with respect to any elementary or secondary school or school system shall be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Education determines is adequate to accomplish the purposes of Title VI and this Part within the earliest practicable time and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance, the responsible official of the Department of Education may reserve the right to redetermine, after such period as may be specified by him/her, the adequacy of the plan to accomplish the purposes of Title VI and this Part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) Assurances from institutions. (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Director, Division of Human Rights in the Arts, the institutions's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in, such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 1152.7 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions to some of the activities for which Federal financial assistance is provided by the Endowment. (In all cases the discrimination prohibited is

discrimination on the grounds of race, color, or national origin prohibited by Title VI and this Part, as a condition of the receipt of Federal financial assistance.)

(a) In a research, training, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university, unless it satisfies the Director, Division of Human Rights in the Arts, that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the graduate school.

(b) In a training grant to a non-academic institution, discrimination is prohibited in the selection of individuals to be trained and in their treatment by the grantee during their training. In a research or demonstration grant to such an institution, discrimination is prohibited with respect to any educational activity, any provision of medical or other services and any financial aid to individuals incident to the program.

(c) Where Federal financial assistance is provided to assist in the presentation of artistic and cultural productions to the public, assurances will be required that such productions will not be presented before any audience which has been selected on a discriminatory basis.

(d) A recipient may not take action that is calculated to bring about indirectly what this Part forbids it to accomplish directly. Thus, a State, in selecting projects to be supported through a State agency, may not base its selections on criteria which have the effect of defeating or substantially impairing accomplishment of the objectives of the Federal financial assistance as respects individuals of a particular race, color, or national origin.

(e) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under §1152.8(d) to provide information as to the availability of the program or activity, and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(f) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such groups, and take other steps to provide that group with more adequate service.

§ 1152.8 Compliance information.

(a) Cooperation and assistance. The Director, Division of Human Rights in the Arts shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this Part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) Compliance reports. Each recipient shall keep such records and submit to the Director, Division of Human Rights in the Arts or his/her designee timely, complete and accurate compliance reports at such times, and in such form and containing such information as the Director, Division of Human Rights in the Arts determines to be necessary to enable him/her to ascertain whether the recipient has complied or is complying with this Part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient such other recipient, shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) Access to sources of information. Each recipient shall permit access by the Director, Division of Human Rights in the Arts or his/her designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this Part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) Information to beneficiaries and participants. Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this Part and its applicability to the program under which the recipient received Federal financial assistance, and make such information available to them in such manner, as the Director, Division of Human Rights in the Arts or his/her designee finds necessary to apprise such persons of the protections against discrimination assured them by Title VI and this Part.

(e) A recipient shall display prominently, in reasonable numbers and places, posters which state that the recipient operates a program or programs subject to the nondiscrimination provisions of this Part, summarize those requirements, note the availability of information regarding this Part from the recipient and the Endowment, and explain briefly the procedures for filing a compliant. Information on requirements of this Part, complaint procedures and the rights of beneficiaries are to be included in handbooks, manuals, pamphlets, and other materials which are ordinarily distributed to the public to describe the federally assisted programs and the requirements for participation by recipients and beneficiaries. To the extent that recipients are required by law or regulation to publish or broadcast program information in the news media, the recipient shall insure that such publications and broadcasts state that the program in question is an equal opportunity program or otherwise indicate that discrimination in the program is prohibited by Federal law.

(f) Where a significant number or proportion of the population eligible to be served or likely to be directly affected by a federally assisted program requires service or information in a language other than English in order to be informed of or to participate in the program, the recipient shall take reasonable steps, considering the scope of the program and size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies to written material of the type which is ordinarily distributed to the public. The Endowment may require a recipient to take additional steps to carry out the intent of this subsection.

§ 1152.9 [Reserved].

§ 1152.10 Pre-award compliance reviews.

(a) Prior to approval of financial assistance, all applications for financial assistance shall be reviewed by the Director, Division of Human Rights in the Arts or his/her designee who will make a written determination as to whether the applicant is in compliance with Title VI and the requirements of this Part. The basis for such a determination shall be submission of an assurance of compliance and a review of the compliance data and information submitted by the applicant, and any relevant compliance review reports on file with the Endowment. Where a determination cannot be made from this data, the Director, Division of Human Rights in the Arts will require the submission of necessary additional information and may take additional steps. Such additional steps may include, for example, communicating with local government officials or minority group organizations and field reviews.

(b) No application shall be approved unless it is determined that the applicant is in compliance with Title VI and this Part or the applicant has agreed in writing to take necessary enumerated steps within a stated period of time to come into compliance with Title VI and this Part. Such an agreement must be approved by the Director, Division of Human Rights in the Arts and made a part of the conditions of the grant.

(c)(1) If the applicant fails or refuses to enter into such an agreement, the Director, Division of Human Rights in the Arts shall notify the applicant and the Assistant Attorney General for Civil Rights in writing of:

(i) The preliminary findings setting forth the reasons for the applicant's noncompliance;

(ii) The actions necessary to come into compliance; and

(iii) The fact that the applicant has 10 days to come into compliance and that the applicant may provide during this time a documentary submission responding to, rebutting, or denying the allegations raised in the notice to them.

(2) If within this 10 day period the applicant has not complied with the actions set forth to come into compliance, or voluntary compliance has not been secured, the Director, Division of Human Rights in the Arts shall make a formal determination of compliance or noncompliance, notify the applicant and the Assistant Attorney General or Civil Rights and institute proceedings under § 1152.16.

(3) The Endowment shall defer action on applications for assistance to the applicant during the pendency of enforcement proceedings under this section.

§ 1152.11 Post-award compliance reviews.

(a) The Director, Division of Human Rights in the Arts periodically shall conduct compliance reviews of selected recipients of Endowment financial assistance.

(b) The Director, Division of Human Rights in the Arts shall seek to review those recipients which have the most serious equal opportunity problems covered by this Part, or the greatest disparity in delivery of services on a nondiscriminatory basis. Selection for review is to be made on the basis of the following criteria, among others:

(1) The relative disparity between the percentage of minorities in the relevant labor market, and the percentage of minorities employed by the recipient if employment practices are covered by this Part;

(2) The percentage of minorities in the eligible population as compared to those receiving project benefits;

(3) The number and nature of discrimination complaints filed against a recipient with the Endowment or other Federal agencies;

(4) The scope of the problem revealed by an investigation commenced on the basis of a complaint filed with the Endowment against a recipient; and

(5) The amount of assistance provided to the recipient.

(c) Within 15 days after selection of a recipient for review, the Director, Division of Human Rights in the Arts is to inform the recipient that it has been selected for review. The review will ordinarily be initiated by a letter requesting data pertinent to the review and advising the recipient of:

(1) The practices to be reviewed;

(2) The programs or activities affected by the review;

(3) The opportunity to make, at any time prior to receipt of the findings of the Director, Division of Human Rights in the Arts a documentary submission responding to the Director, Division of Human Rights in the Arts which explains, validates, or otherwise addresses the practices under review; and

(4) The schedule under which the review will be conducted and a determination of compliance or noncompliance made.

(d) Within 180 days of notifying a recipient that it has been selected for review, the Director, Division of Human Rights in the Arts shall advise the recipient, in writing, of:

(1) Preliminary findings;

(2) Where appropriate, recommendations for achieving voluntary compliance; and

(3) The opportunity to request the Director, Division of Human Rights in the Arts to engage in voluntary compliance negotiations prior to the Endowment's final determination of compliance or noncompliance. The Director, Division of Human Rights in the Arts shall notify the Assistant Attorney General at the same time it notifies the recipient of any matter where recommendations for achieving voluntary compliance are made.

(e) If, within 50 days of the recipient's notification under subsection (d) above, the recommendations for compliance of the Director, Division of Human Rights in the Arts are not met, or voluntary compliance is not secured, the Director, Division of Human Rights in the Arts, shall make a final determination of compliance or noncompliance. The determination is to be made no later than 14 days after the conclusion of the 50 day negotiation period.

(f) Where the Director, Division of Human Rights in the Arts make a formal determination of noncompliance, the recipient and the Assistant Attorney General shall be immediately advised in writing of the determination and of the fact that the recipient has an additional 10 days in which to come into voluntary compliance. If voluntary compliance has not been achieved within the 10 days, the Director, Division of Human Rights in the Arts, shall institute proceedings under § 1152.16.

(g) All agreements to come into voluntary compliance shall be in writing and signed by the Director, Division of Human Rights in the Arts and an official who has authority to legally bind the recipient.

§ 1152.12 Complaint investigations.

(a) The Director, Division of Human Rights in the Arts shall investigate complaints of discrimination that allege a violation of Title VI or this Part.

(b) No complaint will be investigated if it is received by the Endowment more than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Director, Division of Human Rights in the Arts for good cause shown. Where a complaint is accepted for investigation, the Director, Division of Human Rights in the Arts will initiate an Endowment investigation. The complainant shall be notified in writing as to whether the complaint has been accepted or rejected.

(c) The Director, Division of Human Rights in the Arts shall conduct investigations of complaints as follows:

(1) Within 10 days of receipt of the complaint, the Director, Division of Human Rights in the Arts shall:

(i) Determine whether the Endowment has jurisdiction under paragraphs (a) and (b) of this subsection;

(ii) If jurisdiction is not found, wherever possible refer the complaint to the Federal agency with such jurisdiction and advise the complainant;

(iii) If jurisdiction is found, notify the recipient alleged to be discriminating of its receipt of the complaint; and

(iv) Initiate the investigation.

(2) The investigation will ordinarily be initiated by a letter requesting data pertinent to the complaint and advising the recipient of:

(i) The nature of the complaint, and with the written consent of the complainant, the identity of the complainant;

(ii) The program of activities affected by the complaint;

(iii) The opportunity to make, at any time prior to receipt of the findings of the Director, Division of Human Rights in the Arts a documentary submission, responding to, rebutting, or denying the allegations made in the complaint; and

(iv) The schedule under which the complaint will be investigated and a determination of compliance or noncompliance made.

(3) Within 180 days of the initiation of a complaint investigation, the Director, Division of Human Rights in the Arts shall advise the recipient, in writing, of:

(i) Preliminary findings;

(ii) Where appropriate, recommendations for achieving voluntary compliance; and

(iii) The opportunity to request and to engage in voluntary compliance negotiations prior to the final determination of compliance or noncompliance by the Director, Division of Human Rights in the Arts. The Director shall notify the Assistant Attorney General at the same time he/she notifies the recipient of any matter where recommendations for achieving voluntary compliance are made.

(4) If, within 50 days of the recipient's notification under subsection (3) above, the recommendations for compliance of the Director, Division of Human Rights in the Arts are not met, or voluntary compliance is not secured, the Director, Division of Human Rights in the Arts, shall make a formal determination of compliance or noncompliance. The determination is to be made no later than 14 days after conclusion of a 50-day negotiation period.

(5) Where the Director, Division of Human Rights in the Arts, makes a formal determination of noncompliance, the recipient and the Assistant Attorney General shall be immediately advised in writing of the determination and of the fact that the recipient has an additional 10 days, prusuant to § 1152.11(f), in which to come into voluntary compliance. If voluntary compliance has not been achieved within the 10 days, the Director, Division of Human Rights in the Arts shall institute proceedings under § 1152.16. All agreements to come into voluntary compliance shall be in writing and signed by the Director, Division of Human Rights in the Arts, and an official who has authority to legally bind the recipient.

(6) If the complainant or party other than the Attorney General has filed suit in Federal or State court alleging the same discrimination alleged in a complaint to the Endowment, and if during the Endowment's investigation, the trial of that suit would be in progress, the Endowment will consult with the Assistant Attorney General and court records to determine the need to continue or suspend the investigation and will monitor the litigation through the court docket and contacts with the complainant. Upon receipt of notice that the court has made a finding of discrimination against a recipient that would constitute a violation of this Part, the Endowment shall institute proceedings as specified in § 1152.16. All agreements to come into voluntary compliance shall be in writing and signed by the Director, Division of Human Rights in the Arts and an official who has authority to legally bind the recipient.

(7) The time limits listed in paragraphs (c)(1) through (c)(6) of this section shall be appropriately adjusted where the Endowment requests another Federal agency to act on the complaint. The Endowment is to monitor the progress of the matter through liaison with the other agency. Where the request to act does not result in timely resolution of the matter, the Endowment is to institute appropriate proceedings as required by this Part.

§ 1152.13 Retaliation or intimidation.

No recipient, subrecipient, or other person, and no sponsoring organization, or State or local agency shall intimidate, threaten, coerce, or discriminate against any complainant for the purpose of interfering with any right or privilege secured by Title VI and this Part, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part. The identification of complainant shall be kept confidential except to the extent necessary to carry out the purpose of this Part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§§ 1152.14–1152.15 [Reserved]

§ 1152.16 Procedure for effecting compliance.

(a) General. If there appears to be a failure or threatened failure to comply with this Part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this Part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to:

(1) A referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Civil Rights Act of 1964), or any assurance or other contractual undertaking; and

(2) Any applicable proceeding under State or local law.

(b) Noncompliance with § 1152.6. If an applicant fails or refuses to furnish an assurance required under § 1152.6 or otherwise fails to comply with that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Endowment shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Endowment shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the administrative proceedings.

(c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until:

(1) The Director, Division of Human Rights in the Arts has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearings, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Chair of the Endowment; and

(4) The expiration of 30 days after the Chair has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction

over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) Other means authorized by law. No action to effect compliance by any other means authorized by law shall be taken until:

(1) The Director, Division of Human Rights in the Arts, has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this Part and to take such corrective action as may be appropriate.

(e) A failure to enter into a voluntary compliance agreement within the time limits set forth in section 1152.10 shall be considered a determination that voluntary compliance cannot be secured.

§ 1152.17 Hearing.

(a) Opportunity for hearing. Whenever an opportunity for a hearing is required by 1152.16(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the General Counsel that the matter be scheduled for hearing; or

(2) Advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record.

The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing under for which a date has been set shall be deemed to be a waiver of the right of a hearing under Title VI and Section 1152.16(c) of this Part and consent to the making of a decision on the basis of such information as is available.

(b) Time and place of hearing. Hearings shall be held at the office of the Endowment in Washington, D.C. at a time fixed by the General Counsel unless he/she determines that the convenience of the applicant or recipient or of the Endowment requires that another place be selected. Hearings shall be held before an Administrative Law Judge designated in accordance with 5 U.S.C. 3105 or detailed under 5 U.S.C. 3344.

(c) Right to counsel. In all proceedings under this section, the applicant or recipient and the Endowment shall have the right to be represented by counsel.

(d) Procedures, evidence, and record.

(1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557, and in accordance with such rules of procedure as are proper, not inconsistent with this section relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Endowment and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this Part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence entered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(c) Consolidated or joint hearings. In cases in which the same or related facts are asserted to constitute noncompliance with this Part with respect to two or more programs to which this Part applies, or non-compliance with this Part and the regulations of one or more other Federal departments or agencies issued unded Title VI, the General Counsel may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings and for the application to such hearings of rules or procedures not inconsistent with this Part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 1152.18.

§ 1152.18 Decisions and notices.

(a) Procedure on decisions by Administrative Law Judge. If the hearing is held by an Administrative Law Judge either he or she shall make an initial decision, if so authorized, or certify the entire record including his/her recommended findings and proposed decision to the Chair for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the Administrative Law Judge the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the Chair its exceptions to the initial decision, with reasons therefor. In the absence of exceptions, the Chair may on his/her own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he/she will review the decision. Upon the filing of such exceptions or of such notice of review the Chair shall review the initial decision and issue his/her own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Chair.

(b) Decisions on record or review by the Chair. Whenever a record is certified to the Chair or he/she reviews the decision of an Administrative Law Judge pursuant to paragraph (a) of this section, the applicant or recipient shall be given reasonable opportunity to file with him/her briefs or other written statements of its contentions, and a copy of the final decision of the Chair shall be given in writing to the applicant or recipient and to the complainant if any.

(c) Decisions on record where a hearing is waived. Whenever a hearing is waived pursuant to § 1152.17(a) a decision shall be made by the Chair on the record and a copy of such decision

shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) Rulings required. Each decision of an Administrative Law Judge or the Chair shall set forth his/her ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) Content of orders. The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of Title VI and this Part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decison to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the General Counsel that it will fully comply with this part.

(f) Post termination proceedings.

(1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation. (An elementary or secondary school or school system which is unable to file an assurance of compliance with § 1152.6 shall be restored to full eligibility to receive Federal financial assistance, if it files a court order or a plan for desegregation which meets the requirements of § 1152.6(c), and provides reasonable assurance that it will comply with this court order or plan.)

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the Director, Division of Human Rights in the Arts, to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Director, Division of Human Rights in the Arts determines that those requirements have been satisfied, he/she shall restore such eligibility.

(3) If the Director, Division of Human Rights in the Arts denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the General Counsel. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1152.19 Judicial review.

Action taken pursuant to Title VI and this Part is subject to judicial review.

§ 1152.20 Effect on other regulations; forms and instructions.

(a) Effects on other regulations. Nothing in this Part shall supersede any of the following (including future amendments thereof):

(1) Executive Order 11246, and regulations issued thereunder; or

(2) Any other regulations or instructions insofar as such order, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this Part is inapplicable, or prohibit discrimination on any other ground.

(b) Forms and instructions. The Director, Division of Human Rights in the Arts shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this Part as applied to programs to which this Part applies and for which he/she is responsible.

(c) Supervision and coordination. The Chair may from time to time assign to other officials of the Endowment or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI and this Part, including the achievement of effective coordination and maximum uniformity within the Endowment and within the executive branch of the Government in the application of Title VI and this Part of similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

§ 1152.21 [Reserved]

Appendix A

Federal Financial Assistance of the National Endowment for the Arts to which This Part Applies

1. Assistance to groups for projects, productions and exhibitions in the arts. Section 5(c), Public Law 89-209, (79 Stat. 852), 42 U.S.C. 954(c).

2. Surveys, research and planning in the arts. Section 5(c), Public Law 89-209, (79 Stat. 852), 42 U.S.C. 954(c).

3. Assistance to State Arts Agencies for projects and productions in the arts. Section 5(g), Public Law 89-209, (79 Stat. 852), 42 U.S.C. 954(g).

4. Assistance to promote the interchange of information and appreciation in the arts. Section 5(c), Public Law 89-209, (79 Stat. 852), 42 U.S.C. 954(c).

5. Assistance to groups in order to encourage new and increased sources of contributed income on a continuing basis to the nation's cultural institutions. Section 5(1), Public Law 89-209, (79 Stat. 852), 42 U.S.C. 954(1).

[FR Doc. 81-4488 Filed 2-6-81; 8:45 am]

BILLING CODE 7537-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, 157

[CGD 79-116]

Tankerman Requirements

AGENCY: Coast Guard, DOT.

ACTION: Addition of a public hearing date and extension of comment period for proposed rules.

SUMMARY: In the Federal Register of December 18, 1980 (45 FR 83290) the Coast Guard proposed changes in tankerman requirements. This notice adds the following public hearing to the already published schedule: April 1, 1981, Room 2230, Nassif Building, 7th and D Sts, S.W., Washington, D.C. All other public hearing dates and locations are unchanged. Further, the public comment period for this proposed rule is extended to May 1, 1981. The original closing date for public comments was April 1, 1981. These actions have been taken in response to requests from several organizations and individuals who feel that the original dates for public hearings and public comment were not adequate.

DATES: As discussed above, a public hearing has been added for April 1, 1981 in Washington, D.C. Further, the public comment period has been extended to May 1, 1981.

ADDRESSES: 1. Comments should be mailed to Commandant (G-CMC/24), (CGD 79-116), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G-CMC/24), Room 2418, 2100 Second Street SW, U.S. Coast Guard Headquarters, Washington, D.C. 20593.

2. An added public hearing will be held on April 1, 1981 in Room 2230, Nassif Building, 7th and D Sts, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Cdr W. R. Arnet, Jr., Office of Merchant Marine Safety (G-MVP-3/14), Room 1400, U.S. Coast Guard Headquarters Building, Washington, D.C. 20593. (202-426-2251).

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Commander W. R. Arnet, Jr., Project Manager, Office of Merchant Marine Safety, and Lieutenant Kenneth Johnson, Project Attorney, Office of the Chief Counsel.

(46 USC 391a, as amended by P.L. 95-474, 92 Stat. 1460, 49 USC 1655 (b)(1); 49 CFR 1.46 (n)(4))

Clyde T. Lusk, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

January 29, 1981.

[FR Doc. 81-4336 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1043 and 1084

[Ex Parte Nos. MC 5 and 159]

Regulations Governing Minimum Amounts of Cargo Insurance, Bonds or Other Security Required To Be Filed by Motor Common Carriers of Property and Freight Forwarders; Modification of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Commission is reviewing its rules governing minimum amounts of cargo insurance, bonds or other security required to be filed by motor common carriers of property and freight forwarders, to determine whether they are needed and whether the current minimums offer sufficient protection to the shipping public. As part of this review, the Commission also intends to reevaluate its list of commodities which are exempt from the cargo security requirements applicable to motor common carriers of property to determine whether the list is sufficiently inclusive, whether the value of any of these commodities has increased enough to warrant revision of the list, and whether there is a continuing need for any exemptions.

DATES: Written comments are due March 28, 1981.

ADDRESS: An original and 15 copies, if possible, should be sent to: Ex Parte No. MC 5 and/or Ex Parte No. 159, Room 7218A, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr. (202) 275-7844 or Patricia M. Schulze (202) 275-7475

SUPPLEMENTARY INFORMATION: The Commission established the present cargo security minimums of $5,000 per motor vehicle and $10,000 per occurrence in 1976 replacing the prior minimum of $2,500 per vehicle and $5,000 per occurrence which were set in 1968. As inflation continues, some cargo becomes more costly and it is questionable whether current minimums are now adequate to compensate shippers for cargo loss or damage. Those who ship truckloads of freight may be particularly vulnerable. For example, representatives of the food industry have informally volunteered that commodities such as cocoa, meat and sugar, in truckloads, are valued at about $70,000, $40,000 and $55,000, respectively.

On the other hand, any increase in the minimum amount of cargo insurance will be reflected in increased insurance charges. One option to be considered is whether shippers would be better served by leaving cargo security minimums at their present level and to encourage increased use of released rate orders, through which the shipper could choose to absorb a portion of the risk of loss in exchange for a lower freight rate.

Interests of new entrants to the motor carrier industry must also be considered. If higher cargo limits are warranted, the cost must not be prohibitive for new carriers.

Due to changed economic conditions, it is appropriate to determine whether the listed commodities have remained low enough in value so as to warrant continued exemption from cargo security requirements. Moreover, if a list of exemptions is to be continued, the question of whether waste, hazardous and not hazardous, transported solely for disposal, should not be added to that list inasmuch as such waste is generally conceded to have no value. It is hoped that the specific value of commodities contained in the list and any suggested additions can be developed in this proceeding through public participation. The extent of impact of the industry of limiting, eliminating or expanding the exemption is also an issue to be explored. In particular, information is sought as to the number of carriers engaged exclusively in the transportation of cargo exempt commodities.

Comments are requested, but not limited to the following questions:

1. What percent of claims received by motor common carriers and forwarders exceed the present cargo security minimums?

2. What percent and/or dollar amount of shipper claims in excess of the cargo security minimums are uncollectable due to carrier insolvency?

3. Should the present cargo security limits be eliminated, reduced, raised or remain the same?

4. Should the requirements for motor carriers and freight forwarders to file evidence of cargo insurance, bonds or other security with the Commission be eliminated?

5. If cargo security limits were raised to $10,000, $20,000, and $25,000 per vehicle and $20,000, $40,000, and $50,000 per occurrence, what additional costs would be incurred by motor common carriers and forwarders?

6. What impact would raising the minimum cargo insurance requirements have on the terms and availability of released rates?

7. What significant impact will be experienced by new entrants to the motor carrier field if cargo security minimums are increased?

8. What is the loss experience of shippers of commodities exempt from cargo security requirements?

9. Which commodities, if any, should be added to or removed from the exempt list?

10. What significant impact, if any, would be generated by removal of the low value commodity exemption provision?

This decision does not appear to affect significantly the quality of the environment or energy consumption.

It is recognized that any increase in the minimum amount of carago insurance and/or narrowing of the low value cargo exemption may have a significant economic effect on a substantial number of small business entities engaged in transportation. Neither of these actions are being proposed exclusively at this time. Rather, consideration is being given to the entire range of possibilities available. The initial regulatory flexibility analysis required by the Regulatory Flexibility Act (P.L. 96-354)

will therefore be deferred until specific rules are proposed.

This advance notice of proposed rulemaking is issued under the authority contained in 49 U.S.C. 10321 and 10927, and 5 U.S.C. 553.

Dated: 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.

[FR Doc. 81-4483 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Acceptance of Petition and Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Acceptance of Petition and Status Review.

SUMMARY: The Service has accepted two petitions to add to the U.S. List of Endangered and Threatened Wildlife a small population of woodland caribou found in northern Idaho, northeastern Washington, and southern British Columbia. Thought to contain only 20 to 30 individuals, this is the only herd of caribou that still regularly utilizes the territory of the conterminous United States. The population apparently has declined substantially in recent years, because of habitat alterations and direct killing by people. The Service now is assembling supporting information and as soon as possible will issue a proposal in the **Federal Register** to list this population.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION: On October 6, 1980, Mr. W. Dean Carrier (102 Emerson Court, Pleasant Hill, California 94523) submitted a petition requesting that the population of woodland caribou (*Ranifer tarandus caribou*), found in northern Idaho and northeastern Washington, and in the adjacent part of south-central British Columbia, be added to the U.S. List of Endangered and Threatened Wildlife. Form 1975 to 1977, Mr. Carrier served as chairman of the International Caribou Steering Committee, a group of biologists, land managers, and other persons from the United States and Canada who were concerned with the conservation of this population of caribou. On November 3, 1980, Mr. Jerry M. Conley, Director of the Idaho State Department of Fish and Game (600 South Walnut Street, P.O. Box 25, Boise, Idaho 83707) also submitted a petition requesting that this population of caribou be added to the List of Endangered and Threatened Wildlife.

In addition to these two petitions, the files of the Service contain earlier correspondence from other authorities on this caribou population, and the following references:

Freddy, David J. 1974. Status and management of the Selkirk caribou herd, 1973. M.S. Thesis, University of Idaho, 132 pp.

Freddy, David J. 1979. Distribution and movements of Selkirk caribou, 1972-1974. Canadian Field-Naturalist, 93(1):71-74.

Johnson, Donald R. 1976. Mountain caribou: threats to survival in the Kootenay Pass Region, British Columbia. Northwest Science, 50(2):97-101.

Layser, Earle F. 1974. A review of the mountain caribou of northeastern Washington and adjacent northern Idaho. Journal of the Idaho Academy of Science, Special Research Issue, No. 3, 63 pp.

According to the most recent taxonomic work, the reindeer of Eurasia and the caribou of North America belong to a single species, *Rangifer tarandus*. This species is divided into a number of subspecies, among which is the woodland caribou (*Rangifer tarandus caribou*). This subspecies once occupied nearly the entire forested region from southeastern Alaska and British Columbia to Newfoundland and Nova Scotia. In the 48 conterminous States of the United States, populations are known to have occurred in Washington, Idaho, Montana, Minnesota, Wisconsin, Michigan, Vermont, New Hampshire, and Maine. Largely because of killing and habitat alteration by people, the caribou disappeared from New England by about 1908 and from the Great Lakes States by 1940. There have been no records in Montana since 1971.

The only caribou population that still regularly occupies the conterminous United States is found in northern Idaho and northeastern Washington. This population, sometimes called the Selkirk Mountain Herd, also is present in southern British Columbia. The total approximate area of utilization is bounded as follows: starting at the point where the Columbia River crosses the Washington-British Columbia border; thence northward along the Columbia River to its confluence with the Kootenay River in British Columbia; thence northeastward along the Kootenay River to its confluence with Kootenay Lake; thence southward along Kootenay Lake and the Kootenai River, and across the Idaho-British Columbia border, to the town of Bonners Ferry, Idaho; thence southward along U.S. Highway 95 to the Pend Oreille River; thence westward and northward along the Pend Oreille River, and across the Idaho-Washington state line, to the point of beginning.

Early records suggest that in the nineteenth century caribou were plentiful in the mountains of northeastern Washington, northern Idaho, northwestern Montana, and adjacent parts of southwestern Canada. As in the case of other big game animals of North America, unrestricted hunting probably had led to a major reduction of caribou numbers in this region by 1900. Although there have been several population estimates, recent evidence indicates that the herd inhabiting the area delineated above numbered fewer than 50 animals at that time. The herd also seems to have been largely isolated from other caribou populations since 1900. At present the herd is thought to consist of only 20 to 30 individuals.

Several problems jeopardize the survival of the last remaining caribou herd in the conterminous United States. Extensive clearcut logging and fires appear to have seriously reduced the spruce-fir forest on which the species depends for food and cover. Unlike deer and some other ungulates, caribou require old-growth forests, which produce the arboreal lichens needed by the animals for at least part of the year. Increased human access to caribou habitat, via new and improved roads, snowmobiles, and utility routes, may be contributing to detrimental disturbances, harassment, and illegal hunting of the caribou. Construction of highways, power lines, and a gas pipeline in the Kootenay Pass area of British Columbia seem to be interfering with a key travel route of the Selkirk caribou. A significant percentage of the herd could be lost in a single accident along British Columbia Highway 3. As the annual production of the herd is barely equalling mortality, any intensification of these problems could be disastrous.

The Service has determined that these petitions have presented substantial evidence warranting a proposal to add the woodland caribou population, which utilizes the area delineated above, to the List of Endangered and Threatened Wildlife. The Service now is assembling supporting information needed to

propose listing this population and determine its Critical Habitat, and will issue a proposed rulemaking as soon as possible.

The primary author of this notice is Ronald M. Nowak, Office of Endangered Species (703/235–1975).

Dated: January 30, 1981.

F. Eugene Hester,

Acting Director.

[FR Doc. 81–4549 Filed 2–6–81; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 46, No. 26
Monday, February 9, 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.

CIVIL AERONAUTICS BOARD

[Docket No. 37278]

American Airlines, Inc., New York-San Juan Cargo Service; Reassignment of Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., February 3, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-4551 Filed 2-6-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 39030]

Eastern Air Lines, Inc., Serivce Suspension Enforcement Proceeding; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-titled proceeding now assigned to be held on February 5, 1981 (46 FR 9681, January 29, 1981) is postponed until February 12, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 3, 1981.

William A. Kane, Jr.,
Administrative Law Judge.

[FR Doc. 81-4552 Filed 2-6-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-2-7; Docket No. 38879]

Petition of Yukon Air Service, Inc., d.b.a. Air North for the Establishment of Fair and Reasonable Service Mail Rates; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of February, 1981

By this order, we institute an investigation to determine the fair and reasonable final service mail rates to be paid Yukon Air Service, Inc. d.b.a. Air North by the Postmaster General for the transportation of mail by aircraft in its certificated services and establish temporary service mail rates pending conclusion of the investigation.

By Order 81-1-88, we granted a certificate of public convenience and necessity to Air North authorizing it to engage in air transportation of persons, property, and mail over Route 269. Mail has been and is currently being transported in the same general area by Wien Air Alaska under final mail rates established by Order 80-12-116, for 1980, and temporary mail rates established by Order 80-12-152, on and after January 1, 1981. Since Air North will be providing substantially the same mail service in Northeast Alaska as Wien is now providing, we see no reason why these rates should not apply as temporary rates for Air North's certificated mail operations as well. We will therefore establish Wien's service mail rates as temporary rates for Air North.

Ordinarily, mail rates are established after notice and opportunity for comment by the Postal Service (14 CFR 302.310). Here, however, we are dealing with rates that went through the full notice and comment procedures when they were originally established for Wien, and that are currently being paid by the Postal Service for substantially the same services that Air North will perform over its newly certificated route. We conclude, therefore, that the institution of show-cause procedures on these rates is unnecessary and that they should be made effective on and after October 23, 1980, the date on which Air North filed its mail rate petition.[1] Based on the foregoing we waive the procedural requirements of Rule 310.[2]

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302;

1. We institute an investigation to determine the fair and reasonable final service mail rates to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Route 269, on and after October 23, 1980;

2. We set the fair and reasonable temporary rates of compensation to be paid by the Postmaster General to Yukon Air Service, Inc. d.b.a. Air North, on and after October 23, 1980, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for operations between points on Route 269 at the rates established for Wien Air Alaska, Inc., by Orders 80-121-116 and 80-12-152;

3. The temporary service mail rates established in this order shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to October 23, 1980, as may be required by the order establishing final service mail rates in the investigation instituted by this order;

4. Yukon Air Service, Inc. d.b.a. Air North, by notice, may elect to transport mail between points for which rates here established are applicable at a reduced rate equal to the rate then in effect for such service between such points by any other carrier or carriers. If such rate is a temporary rate, the rate paid to Air North will be adjusted retroactively to the lowest final rate determined for such service between such points.

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[1] We will make these rates subject to modified rate equalization provisions that are the same as those prescribed for Peninsula Airways and Sea Airmotive in Order 81-1-109 and for Munz Northern Airlines in Order 81-1-110, and permit the equalization of Air North's rate and the lowest final rate of any other carrier serving the same general area.

[2] We also waive the Rule 303 requirement that Air North specify a fair and reasonable final rate in its petition. In the absence of operating experience over its new route, it would be difficult for Air North at this time accurately to determine the cost of carrying mail in scheduled operations; and therefore state what it believes to be a fair and reasonable final rate. However, Air North will be expected to specify the rate prior to the conclusion of this investigation.

(a) An original and three copies of each notice of election and agreement shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing service between the stated points. Such notice shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed and shall similarly describe the charge with which it is being equalized.

(b) Any rate established shall be effective for the electing carrier or carriers on the date of filing of the notice, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon ten days' notice filed with the Board and served upon the Postmaster General and each carrier providing service between the stated points; and

5. We will serve this order upon the Postmaster General and Yukon Air Service, Inc. d.b.a. Air North.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[1]

Secretary.

[FR Doc. 81-4553 Filed 2-6-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

TIME AND PLACE: February 25, 1981 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: 202-377-3737.

Dated: February 4, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-4490 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

[1] All Members concurred.

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: February 25, 1981 at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.).

AGENDA: (1) Review of imports trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other Business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: February 4, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-4489 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Argentina; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on printed vinyl film from Argentina. The review covers the one known exporter of this merchandise and the period July 1, 1978 through July 31, 1980. This review indicates no shipments for that time period.

As a result of this review, the Department has preliminarily decided to require deposit of estimated duties if shipments occur. Since no information was received from the exporter, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. E. Valerie Newkirk, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4794).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 24, 1973, a dumping finding with respect to printed vinyl film from Argentina was published in the **Federal Register** as Treasury Decision 73-233 (38 FR 22794). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the Act") became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings, as required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on printed vinyl film from Argentina. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are printed vinyl film, also known as printed polyvinyl chloride sheeting. Printed vinyl film is currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Argentinian exporter of printed vinyl film to the United States. This firm is Plavinil Argentina S.A.I.C. This review covers the time period from July 1, 1978 through July 31, 1980, during which shipments of printed vinyl film may have been made to the United States. The issue of the Department's obligation to conduct administrative reviews of entries, unliquidated as of January 1, 1980 and covered by previous appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

The Department no response to its questionnaire. Therefore, the Department used the margin calculated from the best information available for estimated cash deposit purposes. That information is derived from the most recent master list of values, which covers the period October, 1972 through December, 1974.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 146 percent of the entered value exists. Interested parties may submit written comments on this preliminary determination within 30 days of the date of publication of this notice and may request disclosure and/or a hearing on such determination within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

As required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above, that is, 146 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary, Import Administration.

February 3, 1981.

[FR Doc. 81-4566 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Title IV of the Outer Continental Shelf Lands Act Amendments of 1978; the Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notice of waiver of filing deadline.

SUMMARY: Applications for compensation from the Fishermen's Contingency Fund for damage or loss of fishing gear or vessels occurring after September 17, 1978, and before December 22, 1980, may be filed during the 60-day period from December 22, 1980, to February 19, 1981. This waiver is effected by Section 240 (a)(2) and (b)(1)(A) of title II of the American Fisheries Promotion Act, Pub. L. 96-561, enacted December 22, 1980.

EFFECTIVE DATE: This notice is effective December 22, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn E. Hensley, Program Leader, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235; phone number (202) 634-4688.

Accordingly, notwithstanding any other provisions under 50 CFR Part 296, any application for compensation from the Fishermen's Contingency Fund of fishing vessel or gear damage or loss occurring from September 18, 1978, to December 22, 1980, may be filed on or after December 22, 1980, but no later than February 19, 1981.

(Pub. L. 95-372; 92 Stat. 629; 43 U.S.C. section 1841 *et seq.*)

Dated: February 4, 1981.

Robert K. Crowell,

[FR Doc. 81-4575 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-22-M

Committee for the Implementation of Textile Agreement

Cotton From China; Correction

February 3, 1981.

In FR Doc. 80-37652 in the issue for Thursday, December 4, 1980, the level of restraint shown on page 80324 for Category 341 in the letter to the Commissioner of Customs, which established levels of restraint for certain cotton and man-made fiber textile products from the People's Republic of China during the agreement year beginning on January 1, 1981, should be 455,100 dozen, instead of 445,100 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-4501 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

Cotton from Pakistan; Correction

February 4, 1981.

In FR Doc. 80-40083, appearing at page 85140 in the issue for Thursday, December 24, 1980, the level of restraint shown on page 85141 for Category 315 in the letter to the Commissioner of Customs, which established levels of restraint for certain cotton textile products from Pakistan during the eighteen-month period beginning on January 1981, should be 53,438,720 square yards, instead of 58,871,828 square yards.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-4500 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

Waiving the Export Visa Requirement for Down-Filled Apparel

February 4, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Permitting entry until further notice of down and feather-filled jackets, coats and vests in Categories 353 (T.S.U.S.A. number 748.4042), 354 (T.S.U.S.A. number 748.4044), 653 (T.S.U.S.A. number 748.4054) and 654 (T.S.U.S.A. number 748.4062), produced or manufactured in Brazil (only Categories 353 and 354), China, Colombia, Haiti, Hong Kong, India, Indonesia, Republic of Korea, Macua, Malaysis, Pakistan (only Categories 353 and 354), Republic of the Philippines, Republic of Singapore, and Sri Lanka, without an export visa.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: The visa arrangements negotiated with the Government of Brasil, China, Colombia,

Haiti, Hong Kong, India, Indonesia, the Republic of Korea, Macau, Malaysia, Pakistan, the Republics of the Philippines and Singapore, and Sri Lanka, require that exports of certain textile and apparel products covered by the visa arrangements be visaed for export to the United States. For Brazil and Pakistan, only cotton textiles and cotton textile products are involved. For all of the remaining countries the fiber coverage includes cotton, wool and man-made fiber textile products. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to waive the applicable visa requirement for down and feather-filled apparel in Categories 353, 354, 653 and 654, produced or manufactured in the aforementioned countries, effective on February 9, 1981 and until further notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 4, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the applicable visa arrangements in effect with the Governments of Brazil[1], China, Colombia, Haiti, Hong Kong, India, Indonesia, the Republic of Korea, Macau, Malaysia, Pakistan[1], the Republics of the Philippines and Singapore, and Sri Lanka, please waive, effective on February 9, 1981 and until further notice, the export visa requirement for feather-filled apparel in Categories 353 (T.S.U.S.C. number 748.4042), 354 (T.S.U.S.A. number 748.4044), 653 (T.S.U.S.A. number 748.4054) and 654 (T.S.U.S.A. number 748.4062), produced or manufactured in the foregoing countries.

This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-4502 Filed 2-6-81; 8:45 am]

BILLING CODE 3510-25-M

[1] Only Categories 353 and 354 are involved.

COMMODITY FUTURES TRADING COMMISSION

Proposed Joint Audit Plan

Under the Commodity Exchange Act, as amended ("Act"), and the Commodity Futures Trading Commission's ("Commission") minimum financial and related requirements under the Act, each self-regulatory organization ("SRO") is responsible for supervising compliance by its member futures commission merchants ("FCM") with the organization's financial requirements. In the case of FCMs which are members of more than one such organization, § 1.52 of the Commission's regulations (17 CFR 1.52(1980)) permits the SROs to establish a plan whereunder one of those organizations is delegated the responsibility for conducting primary financial oversight. The principal purposes of such a plan are to eliminate what would otherwise be multiple reporting requirements for the FCMs involved, and to alleviate related auditing burdens on the SROs involved.

The Board of Trade of the City of Chicago ("CBT") and the New Orleans Commodity Exchange ("NOCE") have submitted such a plan,[1] which they have termed a "Joint Audit Plan".[2]

The Commission is, hereby, publishing a summary and description of the Joint Audit Plan and requesting public comment on the plan in accordance with § 1.52(g) of its regulations. Requests for a copy of the plan may be made to the Executive Secretariat.

Any person interested in expressing views on the proposed Joint Audit Plan should send comments on or before March 11, 1981, **Federal Register** to Ms. Jane K. Stuckey, Executive Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. For further information contact Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, at the same address. Telephone (202) 254-8955. Copies of all comments will be available at the Commission's Washington office.

SUPPLEMENTARY INFORMATION: On September 8, 1978, the Commission published a release in the **Federal Register** announcing the adoption of Section 1.52 as part of its minimum financial regulations (43 FR 39956). Section 1.52(a) requires each SRO to adopt, and submit for Commission approval, rules prescribing minimum financial and related reporting requirements for all of its members who are registered FCMs. Section 1.52(b) requires each SRO to have in effect and enforce such minimum financial and related reporting requirements which have been approved by the Commission.

Section 1.52(c) provides that any two or more SROs may file with the Commission a plan for delegating to a designated self-regulatory organization ("DSRO"), with respect to any FCM which is a member of more than one such SRO, the responsibility for: (1) Monitoring and auditing compliance with the minimum financial and related reporting requirements adopted by such SROs pursuant to § 1.52(a); and (2) receiving the financial reports necessitated by such minimum financial and related requirements.[3]

The Joint Audit Plan submitted by the CBT and NOCE provides for each of the delegations permitted by § 1.52(c) to one of the two exchanges. The exchanges participating in this plan believe that it will help those FCMs who are members of both participating exchanges in the following ways: (1) Reduce the multiple monitoring and auditing for compliance with the minimum financial rules; and (2) reduce multiple reporting of the financial information necessitated by such minimum financial requirements.

This plan allows one exchange to be the DSRO for an FCM which is a member of both participating exchanges. It is intended that the non-DSRO exchange will not be required to visit a member firm which is not assigned to it except for the purpose of conducting special reviews. This plan does not, however, preclude a participating non-DSRO exchange from visiting a member firm whenever and for whatever reason it deems necessary.

If the review or audit conducted by the designated DSRO discloses a possible violation of the rules of another exchange for which compliance is being monitored, it will be the responsibility of that other exchange to take whatever further action it deems appropriate.

The DSROs and the FCMs for which those DSROs would have responsibility under the proposed plan are as follows:

CBT is the DSRO for these FCMs:
Thomson McKinnon Securities, Incorporated
Heinold Commodities, Incorporated
Gulf Great Lakes—Grain, Ltd.
ACLI International Commodities Services, Incorporated

[1] As defined in the Commission's regulations, a designated self-regulatory organization would have to be either a designated contract market or a registered futures association. *See* Sections 1.3(h), 1.3(ee) and 1.3(ff) of the Commission's regulations (17 CFR 1.3(h), 1.3(ee) and 1.3(ff) (1980)). Since the Commission has not yet designated NOCE as a contract market, NOCE cannot act as a designated self-regulatory organization until so designated. Publishing this notice concerning the proposed Joint Audit Plan does not in any way indicate the views of the Commission on the pending NOCE applications for contract market designation.

[2] The CBT is also a party to a Joint Audit Plan with the Board of Trade of Kansas City, Missouri, Inc., the Minneapolis Grain Exchange and the MidAmerica Commodity Exchange. The plan was approved by the Commission on October 8, 1980.

Another such plan involving seven commodity exchanges, including the MidAmerica Commodity Exchange, was approved by the Commission on April 23, 1980.

[3] Section 1.52(c) also permits the delegation, pursuant to such a joint audit plan, of the function that each contract market is required to undertake, pursuant to § 1.51(a)(3) of the regulations, relating to the examination of books and records of its member FCMs reflecting the dealing of those FCMs in such market and related cash commodity transactions.

Bache Halsey Stuart Shields, Incorporated
Chicago Grain Corporation
Clayton Brokerage Company of St. Louis, Incorporated
A. G. Edwards & Sons, Incorporated
Ray E. Friedman & Company
Geldermann and Company, Incorporated
E.F. Hutton & Company, Incorporated
James T. McKerr & Company
Merrill Lynch, Pierce, Fenner and Smith, Incorporated
Shearson Loeb Rhoades, Incorporated

New Orleans Commodity Exchange is the DSRO for these FCMs:

Chicago Louisiana Trading Company, Incorporated
Ace American, Incorporated
Packers Trading, Incorporated

Issued in Washington, D.C., on February 3, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-4481 Filed 2-6-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP78-15]

Tap Water Scalds; Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition requesting it to issue a consumer product safety rule requiring gas, oil and electric residential water heaters to have a maximum thermostat setting of 130°F and to display warning labels describing the hazards of hot water and instructions for setting water heater temperature. The Commission is taking this action because it does not believe that the mandatory standard requested by the petitioner is necessary at this time to address the risks of injury presented by gas, oil, and electric water heaters. Through voluntary standards organizations, requirements for lowered factory pre-set temperatures on water heaters have been established and cautionary label requirements concerning the hazards of hot water have been developed. In addition, the Commission believes that requiring a maximum thermostat setting of 130°F is impractical because consumers would not be able to raise the setting to accommodate their varying needs and the mechanical vagaries of different hot water systems.

ADDRESS: Copies of the petition and the staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6453.

SUPPLEMENTARY INFORMATION:

1. Background

Section 10 of the Consumer Product Safety Act (CPSA) provides that any interested person may petition the CPSC to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the **Federal Register.**

On June 30, 1978, Gordon Vickery, Superintendent, Department of Lighting, (Your Seattle City Light), petitioned the Commission to issue a consumer product safety rule for new gas, oil and electric residential water heaters requiring the heaters to have a maximum thermostat setting of 130°F and to display warning labels describing the hazards of hot water and instructions for setting water heater temperature (Petition CP78-15). In addition, the letter from Your Seattle City Light requested the Commission to ". . . implement a public education program that will motivate the public to reduce the thermostat temperature setting on existing water heaters." The American Public Health Association submitted a statement in support of the petition.

The petitioner contends that lower water temperatures and warning labels are necessary because of frequent and serious injuries due to scalding from high water temperatures.

The Commission first considered this petition on November 9, 1978. At that time the Commission voted to defer decision on the petition and directed the staff to develop further information on cautionary labeling for water heaters, the status of voluntary efforts by manufacturers to lower the factory pre-set temperature level on water heaters, anti-scald devices, and the scope and cost of an information and education program. The staff subsequently provided the requested information in a briefing package which included copies of letters from the two voluntary standards organizations (Underwriters Laboratories (UL) for electric and oil water heaters and the American National Standards Institute (ANSI) for gas water heaters) which indicated their willingness to provide cautionary labeling requirements in their standards, discussion of the current and proposed voluntary efforts regarding factory pre-set temperatures, discussion of costs and the various types of anti-scald devices, and the status of voluntary standards concerning anti-scald devices.

On March 15, 1979, the Commission voted again to defer decision on CP 78-15 because of the controversy and conflicting data surrounding the issue of appropriate operating temperatures for water heaters that would reduce the risk of scald injuries without compromising adequate hot water supplies in the home. The Commission decided, instead, to conduct an investigation under section 10(c) of the Consumer Product Safety Act (CPSA) to seek additional information on appropriate operating temperatures.

On May 31, 1979, the CPSC published a **Federal Register** notice (see 44 FR 31276) inviting outside opinion and expertise directed to the temperature issue. The Commission received 86 comments in response to this notice which have been reviewed by the Commission and staff. Additionally, the Commission directed the staff to begin development of information and educational materials dealing with the hazard of scalding.

2. Commission Decision on the Petition

Based on all available information, including information submitted by the petitioner, information from the comments on the section 10(c) notice, and information gathered by Commission staff, the Commission has decided to deny the petition as to mandatory maximum thermostat settings and labeling requirements.

The Commission staff estimates that there were 5,400 injuries treated in hospital emergency rooms during 1979 as a result of tap water scalds. During 1978, the latest year for which the Commission's death certificate file is nearly complete, 71 deaths were attributed to tap water scalds. The very young and the elderly are the principal victims; almost one-third of the injuries are to children age two or younger, while nearly half of the deaths involve persons 75 or older. The Commission notes that at a water temperature of 140°F scalding can occur in 1.5 seconds. At a water temperature of 130°F scalding occurs in 12 seconds, while at 120°F it takes over 5 minutes for a burn to occur. The Commission believes that any water temperature above 130°F may entail a significant hazard to all persons

and a particular risk to the young, the elderly, and the handicapped who may be unable to react quickly to the hazard. Because of the scald hazard to all people, and particularly to vulnerable segments of the population least able to protect themselves, the Commission directed the staff to work with voluntary standards organizations to lower preset temperatures of water heaters and promote cautionary labeling.

In June 1980, the American National Standards Institute (ANSI) adopted cautionary labeling provisions for gas water heaters that include a warning of hot water scald potential if the thermostat is set too high and a statement that the thermostat is set at a maximum of 130°F when shipped from the factory.

On July 2, 1979, the Underwriters Laboratories (UL) revised it standard for household electric storage tank water heaters, UL 174, providing for a factory pre-set temperature of 140° (the prior UL standard requirement was a 150°F pre-set temperature). The standard became effective October 1, 1979. Effective January 1, 1980, cautionary labeling and installation instructions were required to inform the user 1) that the thermostat has been set at the factory at 140°F to reduce the risk of scald injury 2) how to change this setting, and 3) how to take necessary precautions when changing the setting. UL has also prepared a revision of its standard covering oil-fired heaters which requires a factory pre-set temperature of 140°F. Based on 1976 figures, oil-operated and other non-gas and non-electric water heaters account for only 5% of all water heaters.

The Commission has decided to deny this petition, in part, because of the voluntary efforts to lower factory pre-set temperatures on water heaters and to provide cautionary labeling addressing the scald hazard.

In addition, the Commission believes that the maximum setting needed to reduce most scald injuries (125–130°F; as indicated above, the time for a second degree burn to occur at a faucet water temperature of 130°F is 12 seconds); might not provide an adequate hot water supply to some households. Since, with a factory pre-set maximum temperature, consumers would not be able to raise a maximum setting to accommodate their hot water needs, any maximum setting required for water heaters should allow virtually all households to have a sufficient hot water supply. Information available to the Commission at this time does not point to a single maximum setting which would allow all households to have adequate hot water; although the lower the setting, the less the chance of scalds. Any maximum temperature setting must take into account a number of variables, including differing consumer needs for hot water; the minimum temperature for effective dishwashing and clothes washing, which some experts state to be 140°F; the temperature drop from water heater to tap in certain households; and the ability of diverse water heating systems with different capacity water heaters to sustain the desired temperatures over a period of time.

Accordingly, the Commission has concluded that the mandatory standard suggested by the petitioner is not necessary or appropriate at this time to address any risk of injury presented by water heaters and has voted, in a unanimous decision, to deny the petition. However, the Commission remains concerned and will continue its interest and activity in this area.

The Commission has asked the staff to work with industry and UL to achieve, on a voluntary basis, a factory pre-set temperature for oil-fired and electric water heaters lower than the current 140°F. While the Commission has made no decision concerning a mandatory rule, the Commission has also instructed the staff to prepare an estimate of the possible resources needed to develop a rule under section 7 of the CPSA to require lowered pre-set temperatures on oil and electric water heaters. In addition, the Commission has asked the staff to work with UL and ANSI to achieve reductions of the current maximum settings on all types of water heaters. The current maximum setting for electric water heaters is 170°F; the current maximum setting for gas heaters is approximately 160°F.

The Commission also plans to continue with various information and education activities concerning tap water scalds. For example, a filmograph and booklet on bathtub and shower safety, including messages on tap water scalding, are currently being developed. A letter from the Chairman of the Commission was distributed to 4,575 utility companies nationwide in September, 1979, requesting that the companies distribute information on the scald hazard in their customer newsletters. Other information and education activities on this subject have been accomplished or are underway.

Dated: February 4, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-4575 Filed 2-6-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Water in Southwest Asia; Advisory Committee Meeting

The Defense Science Board Task Force on Water in Southwest Asia will meet in closed session on March 18–19, 1981 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on March 18–19, the Task Force will review the current and future capability of the U.S. to provide water support to military forces in Southwest Asia and make recommendations concerning improvements and other associated programmatic actions.

In accodance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

February 4, 1981.

[FR Doc. 81-4560 Filed 2-6-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the

Coordinating Subcommittee meeting follows:

The fifth meeting of the Coordinating Subcommittee will be held on Monday and Tuesday, March 30 and 31, 1981, starting at 9:00 a.m., in the Yukon/Pacific Room, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review the progress of the task groups' assignments.
3. Review the timetable of the study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 8, 1981.

R. D. Langenkamp,

Deputy Assistant Secretary Resource Development and Operations Resource Applications.

January 8, 1981.

[FR Doc. 81-4555 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Jurisdictional Issues Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Jurisdictional Issues Task Group of the Committee on Arctic Oil and Gas Resources will meet in February 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Jurisdictional Issues Task Group meeting follows:

The second meeting of the Jurisdictional Issues Task Group will be held on Tuesday, February 24, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, D.C.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review progress of individual assignments of the Task Group.
3. Discuss timetable of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Jurisdictional Issues Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Jurisdictional Issues Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L.A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 27, 1981.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations Resource Applications.

January 27, 1981.

[FR Doc. 81-4556 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on February 19, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of representatives of the National Emergency Sharing Organizations of various IEA member countries that is being held at Paris on that date. The agenda for the meeting is as follows:

1. Introduction with review of overall test performance.
2. Appraisal of demand restraint program.
3. Appraisal of fair sharing program.
4. Oil reallocation in AST-3.
5. Individual country performances. (Highlights of each country's operations by the Country Coordinators and presentation of individual countries' views on AST-3.)
6. Lessons Learnt:

Emergency Management Manual changes.

Training efforts.

AST-4.

7. Other business and concluding remarks.
8. Date of AST-4.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., February 3, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-4464 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council; Meeting

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of meeting.

SUMMARY: The National Petroleum Council (NPC), an advisory committee to the Department of Energy (DOE), provides technical advice and information to the Secretary of Energy

on matters relating to oil and gas or the oil and gas industries. The NPC Committee on Emergency Preparedness is currently undertaking an analysis of issues bearing on emergency preparedness planning and the ability of the refining industry to respond to energy emergencies. NPC's Coordinating Subcommittee will hold a meeting to review and discuss study modules of this analysis.

DATE AND LOCATION: The Coordinating Subcommittee of the NPC's Committee on Emergency Preparedness will meet: Tuesday, March 10, 1981, to convene immediately following the adjournment of the March 10, 1981, meeting of the Committee on Emergency Preparedness, in the Mount Vernon Room of the Madison Hotel, Fifteenth and M Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Mr. David A. Eaton, Office of Energy Contingency Planning, 2000 M Street, N.W., Room 7302, Washington, D.C. 20461, Telephone: (202) 653–3202.
Ms. Joan Walsh Cassedy, National Petroleum Council, 1625 K Street, N.W., Washington, D.C. 20006, Telephone: (202) 393–6100.

SUPPLEMENTARY INFORMATION: The agenda for the Subcommittee is as follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review of the final charge to the Subcommittee from the Committee on Emergency Preparedness.
3. Discussion of any other matters pertinent to the overall assignment from the Secretary.

All meetings are open to the public. The Chairman of the Subcommittee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements at the meeting should inform Joan Walsh Cassedy, National Petroleum Council, (202) 393–6100, prior to the meeting, and provisions will be made for their appearance on the agenda. A transcript of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Hearing Room, Room 5B–180, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

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

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-4483 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Liquid Products Recovery, Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street NW, Room 5204, Washington, D.C. 20461, (202) 653–3541.

SUPPLEMENTARY INFORMATION: On September 11, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Liquid Products Recovery, Inc. (LPR) of Houston, Texas on August 28, 1979, 44 FR 52862 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by LPR pursuant to the Consent Order were requested to submit notice of their claims to the ERA. Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, LPR has refunded the sum of $62,500 by certified checks made payable to the United States Department of Energy in 12 equal monthly installments which commenced October 1979. All such funds have been received by DOE and have been placed into a suitable account pending determination of their proper distribution.

Action Taken

The ERA is unable to identify readily the persons entitled to receive the $62,500 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on January 29, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of February, 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-4554 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Fagadau Energy Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing of a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: January 29, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653–3541.

SUPPLEMENTARY INFORMATION: On July 11, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Fagadau Energy Corp. (FEC) of Dallas, Texas on June 26, 1979, 44 FR 40545 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by FEC pursuant to the Consent Order were requested to submit notice of their claims to the ERA. The ERA received no claims to the refunds.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was issued as signed.

Pursuant to the Consent Order, FEC refunded the sum of $83,985 by certified checks made payable to the United States Department of Energy in four installments. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $83,985 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on January 29, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 3rd day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-4671 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP80-72-004]

Algonquin Gas Transmission Co.; Tariff Filing To Comply With Commission Order Issued January 12, 1981

February 3, 1981.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on January 21, 1981, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 10-C
First Revised Sheet No. 30
First Revised Sheet No. 31
First Revised Sheet No. 32
First Revised Sheet No. 33
First Revised Sheet No. 34
First Revised Sheet No. 35
First Revised Sheet No. 36

Algonquin Gas states that the tendered sheets are being filed to comply with the Commission order issued January 12, 1981, accepting and approving Algonquin Gas' Stipulation Relative To Initial Rate To Be Charged For Service Under Schedule STB, filed with the Commission on October 24, 1980. Such Stipulation reflected the interim rates to be charged for Rate Schedule STB service pending final resolution of the issues in Docket No. RP80-72 and included the proposed tariff changes which reflect the Settlement terms and conditions for Rate Schedule STB.

The tariff sheets are proposed to be effective April 15, 1980, as required by the Commission's afore-mentioned order.

Algonquin Gas states that a copy of this filing is being served upon its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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, 1.10). All such petitions or protests should be filed on or before February 18, 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. 81-4503 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3788-000]

American Hydro Power Co., and the Commonwealth of Pennsylvania, Department of Environmental Resources; Application for Preliminary Permit

February 2, 1981.

Take notice that American Hydro Power Co. and the Commonwealth of Pennsylvania, Department of Environmetal Resources (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. 3788 to be known as Ches-Mont Hydro Project located on the Schuylkill River in Montgomery and Chester Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, President, American Hydro Power Co., Two Aldwyn Center, Villanova, Pennsylvania 19085 and Mr. R. Timothy Weston, Associate Deputy Secretary for Resources Management, Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 1467, Third and Reily Streets, Harrisburg, Pennslyvania 17120. Any person who wishes to filed 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 project comprises four developments as follows:

1. Vincent Dam, located on the border of Chester and Montgomery Counties, near Royersford, Pennslyvania, owned and operated by the Commonwealth of Pennslyvania, Department of Environmental Resources. This development would be run-of-the-river and would consist of: (1) an existing dam, 380 feet long and 7 feet high, constructed of rock-filled timber cribs; (2) a reservoir having negligible pondage; (3) an intake structure; (4) a penstock; (5) a new powerhouse containing generating units having a total rated capacity of 1,500 kW; (6) a tailrace; (7) a new transmission line and switchyard; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,200,000 kWh.

2. Black Rock Dam, located on the border of Chester and Montgomery Counties, near Phoenixville, Pennsylvania, owned and operated by the Philadelphia Electric Company. A power canal and associated structures incorporated into the dam are owned by the Commonwealth of Pennsylvania, Department of Environmental Resources. This development would be run-of-the-river and would consist of: (1) an existing dam, approximately 400 feet long and 10 feet high, constructed of rock-filled timber cribs with masonry abutments; (2) a reservoir having negligible pondage; (3) restored intake canal; (4) a restored powerhouse containing generating units having a total rated capacity of 2,900 kW; (5) a tailrace; (6) a new transmission line approximately ¼ mile long; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 12,570,000 kWh.

3. Norristown Dam, located in Montgomery County in Norristown, Pennslyvania, owned and operated by the Philadelphia Electric Company. This development would be run-of-the-river and would consist of: (1) an existing dam, 1,160 feet long and 11.4 feet high, construced of rock-filled timber cribs with masonry abutments; (2) a reservoir having negligible pondage; (3) an intake structure near the right bank; (4) a penstock; (5) a new powerhouse containing generating units having a

total rated capacity of 2,300 kW; (6) a tailrace; (7) a new transmission line; and (8) appurtenent facilities. The Applicant estimates that the average annual energy output would be 9,900,000 kWh.

4. Plymouth Dam, located in Montgomery County near Conshohocken, Pennslyvania, owned and operated by the Commonwealth of Pennslyvania, Department of Environmental Resources. This developmnent would be run-of-the-river and would consist of: (1) an existing dam, 530 feet long and 8 feet high, constructed of rock-filled timber cribs with masonry abutments; (2) a reservoir having negilgible pondage; (3) an intake structure near the right bank; (4) a penstock; (5) a new powerhouse containing generating units having a total rated capacity of 2,000 kW; (6) a tailrace; (7) a new transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,570,000 kWh.

Purpose of Project—Project energy would be sold to the Philadelphia Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $250,000.

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.

Completing Applications—This application was filed as a competing application to Chain Dam Hydroelectric Corporation's applications for Projects Nos. 3499, 3501, 3502, and 3500, respectively, filed on September 26, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before *February 4, 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 April 6, 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. 3788. 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. 81-4504 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-116-000]

ANR Storage Co.; Application

January 30, 1981.

Take notice that on December 24, 1980, ANR Storage Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-116-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a gas storage service for Inter-City Gas Corporation (ICG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and ICG have entered into a gas storage agreement dated October 31, 1980, which provides that during the 1981 and ensuing summer periods (April 1 through October 31) ICG would cause up to 400,000 Mcf of gas to be delivered to ANR for storage. It is stated that during the 1981-1982 and ensuing winter periods (November 1 through March 31) ANR would make an equivalent volume of gas available for redeliveries to ICG at rates of up to 8,000 Mcf per day. Applicant states that the term of the storage agreement would be 22 years commencing on April 1, 1981, subject to termination on March 31, 1991, if gas sales under service agreements between Great Lakes Transmission Company (Great Lakes) and ICG are not continued beyond the date of November 1, 1990.

It is stated that the agreement also provides that ICG would supply injection compressor fuel equal to 1.3 percent of the volumes delivered for storage and that Applicant would deduct from the volumes withdrawn from storage for redelivery to ICG withdrawal compressor fuel equal to 0.2 percent of such volumes. Moreover Applicant states that at its option, ICG may elect to defer for redelivery from one contract year to the next all or any part of the volumes stored.

Applicant asserts that to render the above described gas storage service, Applicant would utilize the Excelsior 6 and Cold Springs 31 reservoirs, Northern Michigan storage area, which can accommodate the 400,000 Mcf of storage service gas within existing provisions for Btu differential and other contingencies and that no new facilities are required.

It is stated that Applicant would charge ICG a rate of 63.99 cents per Mcf for the proposed 50-day storage service. It is further stated that ICG has arranged with Great Lakes to transport ICG's gas to and from the interconnection of ANR's pipeline facilities with the facilities of Great Lakes in Frederic Township, Crawford County, Michigan. Applicant states that it would transport the gas from this point of interconnection to storage and from storage back to this point of interconnection.

Applicant asserts that the proposed storage service would replace the 8,000 Mcf per day reduction of gas purchased by ICG from Great Lakes which was based on the severe decline in the annual demand for natural gas in ICG's market areas served by Great Lakes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 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. 81-4505 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-35-000]

Boston Edison Co.; Application for Exemption

February 3, 1981.

Take notice that Boston Edison Company (BEC), on January 2, 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, 1982, load data relating to certain classes specified in § 290.404(a).

In its application for exemption, BEC states that it should not be required to file the specified data because it is filing equivalent alternate 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 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4506 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-32-000]

City of Richmond, Washington Energy Services Department; Application for Exemption

February 4, 1981.

Take notice that the Energy Services Department of the City of Richmond, Washington (Richmond), on January 2, 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, 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, Richmond states that it should not be required to file the specified data for the following reasons:

(1) The purposes of Section 133 are not directly applicable.

(2) The applicant is presently in substantial compliance with the purposes of the NEA, PURPA, Section 133 and regulations thereunder.

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, NE., Washington, D.C. 20426, on or before March 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: City of Richmond, Attention: Mr. J. Keith Sedore, Director, Energy Services Department, P.O. Box 190, Richmond, Washington 99352.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4507 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-30-000]

City of Rocky Mount, North Carolina; Application for Exemption

February 4, 1981.

Take notice that the City of Rocky Mount, North Carolina, on January 2, 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, 1982, and biennially thereafter, information on the costs of providing electric service as specified in Part 290, Subparts B, C, D and E of the Commission's Regulations.

In its application for exemption, the City of Rocky Mount, 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 should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: City of Rocky Mount, North Carolina, P.O. Box 1180, Rocky Mount, North Carolina 27801.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4508 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-36-000]

Clay Electric Cooperative, Inc.; Application for Exemption

February 3, 1981.

Take notice that Clay Electric Cooperative, Inc. (Clay), on January 2, 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, 1982, information on the costs of providing electric service pertaining to marginal cost information as specified in Subparts C and E of Part 290 of the Commission's regulations issued pursuant to Section 133 of PURPA.

In its application for exemption, Clay states that it should not be required to file the marginal cost information required by Section 133 of PURPA because 71.6% of its total cost of providing electric service is purchased power costs which are not based upon marginal costing and pricing nor upon time-differentiated pricing.

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 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: Clay Electric Cooperative, Inc., Attention: Mr. Russell P. Lea, Director of Engineering, P.O. Box 308, Keystone Heights, Florida 32656.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4510 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-158-002]

Columbia Gas Transmission Corp.; Petition To Amend

January 30, 1981.

Take notice that on December 22, 1980, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP-78-158-002 a petition to amend the order issued April 17, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize a two-year extension of a transportation service and an increase in daily transportation volumes of natural gas for Allied Chemical Corporation (Allied), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized to transport up to 16,000 Mcf of gas per day for Allied to be used at Allied's Hopewell, Virginia, chemical complex. It is stated that Petitioner received the gas from Texas Eastern Transmission Corporation (Texas Eastern) at an existing point of interconnection in Westmoreland County, Pennsylvania, and redelivered the gas to Commonwealth Gas Pipeline Corporation (Commonwealth), a wholesale customer of Petitioner, at an existing point of delivery in Greene County, Virginia.

Petitioner asserts that Allied desires to extend the transportation arrangement for a period of two years and to increase the maximim daily transportation volume thereunder to 26,500 dekatherms equivalent. In accordance with Allied's request, it is stated, Petitioner has entered into a new transportation agreement with Allied made expressly subject to the limits of Petitioner's pipeline capacity and subservient to (a) its obligations to customers served pursuant to its FERC Volume I Tariff, (b) the transportation of Petitioner's own produced and purchased gas, and (c) precedent transportation agreements. Moreover, Petitioner maintains that it would only accept deliveries from Texas Eastern for Allied's account when Allied's Hopewell, Virginia, chemical complex is being curtailed by Commonwealth in end-use Priority 2.

Petitioner states that while Allied does not presently anticipate being curtailed by its direct supplier during the period the transportation arrangement would be in effect in light of prior severe and unexpected curtailments experienced by Allied, Allied has determined the necessity of extending the transportation arrangement as a standby source of gas.

In addition, it is stated that in the absence of curtailment on Petitioner's pipeline system, Petitioner does not anticipate having capacity available to perform the subject transportation service for Allied for any winter period during the two-year term of the new transportation agreement. However, Petitioner asserts assuming normal operating conditions Petitioner would have sufficient capacity to perform such service for the summer periods during which the new agreement would be in effect.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 23, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4511 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-346]

Consolidated Gas Supply Corporation, et al.; Informal Conference

February 2, 1981.

Take notice that an informal conference in the above-captioned cause will now be held on February 11, 1981, at 10:00 a.m. in the offices of the Federal Energy Regulatory Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426. All parties should be prepared to discuss the technical aspects and possible settlement of the proposals. All persons are invited to attend, but advised that mere attendance and/or participation in this conference's discussions will not serve to make the same persons formally parties to these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4512 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3784-000]

Deschutes Reclamation and Irrigation Company, Inc., Central Oregon Irrigation District and North Unit Irrigation District; Application for Preliminary Permit

February 2, 1981.

Take notice that Deschutes Reclamation and Irrigation Company, Inc., Central Oregon Irrigation District and North Unit Irrigation District (Applicant) filed on November 24, 1980, an application for preliminary permit for proposed Project No. 3784 to be known as Bend Diversion Dam Project located on Deschutes River in Deschutes 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. David Buck, Deschutes Reclamation and Irrigation Company, Inc., 64757 Cook Avenue, Bend, Oregon 97701 and Mr. Robert A. Anderson, Manager, Central Oregon Irrigation District, P.O. Box 548, 847 South 6th, Redmond, Oregon 97756. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 36-foot high, 250-foot long concrete gravity Bend Diversion Dam across the Deschutes River; (2) an existing intake structure within the east abutment of the diversion dam; (3) an existing 500-foot long canal section; (4) a penstock, approximately 200 feet long leading to; (5) a powerhouse on the east bank of the Deschutes River containing a single generating unit with a rated capacity of 2,300 kW; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5.8 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 12 month permit to prepare a project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $41,200.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Bend Diversion Dam Power Project No. 3473 on the Deschutes River in Deschutes County, Oregon, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "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. 3784-000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4513 Filed 2-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-34-000]

Distrigas of Massachusetts Corp.; Proposed Changes in FERC Gas Tariff

February 3, 1981.

Take notice that Distrigas of Massachusetts Corporation (DOMAC), on January 30, 1981, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve month period ending September 30, 1980, as adjusted, and would increase jurisdictional terminalling service revenues by $2,682,225 per year. DOMAC also proposed a change in rate form from its straight commodity tiered rates to two part rates reflecting *United* method of cost classification.

DOMAC has also tendered Alternate Revised Tariff Sheets which would provide for the recovery of demurrage charges estimated at $577,361 per year as an integral component of its TS Rate in lieu of recovery of the actual costs of demurrage in its Rate Schedules GS-1 and BO-1 for the sales of LNG.

DOMAC states that the proposed increased rate is necessary to permit it to recover its costs of service for the test period of twelve months ended September 30, 1980, as adjusted. The cost of service reflects increases in the unit cost of terminalling services.

Copies of the filing have been served upon DOMAC's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 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. 81-4514 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-34-000]

Electric Department, North Little Rock, Arkansas; Application for Exemption

February 4, 1981.

Take notice that the Electric Department, North Little Rock, Arkansas (NLR), on January 2, 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, 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, NLR states that it should not be required to file the specified data for the following reasons:

(1) The purposes of Section 133 are not directly applicable.

(2) The applicant is presently in substantial compliance with the purposes of the NEA, PURPA, Section 133 and regulations thereunder.

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 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Electric Department, North Little Rock, Attention: Mr. H. Toland, General Manager, P.O. Box 159, North Little Rock, Arkansas 72115.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4515 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-13-000]

EG&G, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility and Request for Waiver

February 2, 1981.

On January 21, 1981, EG&G, Inc., 45 William Street, Wellesley, Massachusetts, filed with the Federal Energy Regulatory Commission (Commission) an application to be certified as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. Additionally, EG&G requested in such application to be exempted from certain federal and state laws and regulations pursuant to §§ 292.601 and 292.602.

The Applicant will construct a facility which first converts coal to medium Btu gas and the medium Btu gas is then used in the facility to produce two principal products: methanol and electricity. The electricity is generated on the power generation side of the facility by combusting the medium Btu gas. The power generation facility will produce a total capacity in the range of 500 to 600 megawatts of electric power. The primary energy source of the cogeneration facility will be medium Btu gas.

Any person desiring to be heard or objecting to the granting of qualifying status or of the exemptions should file a petition to intervene or protest with the Federal Enery 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. All such petitions or protests must be filed within 10 days after the date of publication of this notice and must be served on the Applicant. 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 filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4516 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3352-000]

Eugene Frederick Muller; Application for Preliminary Permit

February 2, 1981.

Take notice that Eugene Frederick Muller (Applicant) filed on November 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3352 to the known as the Elyria Project located on the Black River in the City of Elyria, Lorain County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. F. Muller, 25 Lake Avenue, Elyria, Ohio 44035. 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) an existing 10-foot high and 95-foot long concrete-faced cut-stone dam located at the head of a 40-foot high natural falls; (2) an existing 25-foot square forebay formed by 40-foot high concrete walls adjoining the dam at the left (west) bank; (3) an existing 30-foot by 70-foot concrete and brick powerhouse; (4) a short tailrace; and (5) appurtenant facilities. Applicant proposes to refurbish the existing facilities and install a new trashrack, headgates, 38-foot long penstock, generating units rated at 620-kW, and associated electrical facilities including a 200-foot long transmission line. The Applicant estimates that the average annual energy output would be 2,700,000 kWh.

Purpose of Project—Project energy would be sold to the Ohio Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, and historic aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—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 about 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 prodecures 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. 3352. 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. 81-4517 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-134-000]

Gas Transport, Inc.; Application

January 30, 1981.

Take notice that on January 7, 1981, Gas Transport, Inc. (Applicant), 109 North Broad Street, Lancaster, Ohio 43130, filed in Docket No. CP81-134-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during a twelve-month period commencing with the date of the order, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $150,000. Such costs would be financed from cash on hand or from short-term financing, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordane 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. 81-4516 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3695-000]

Henwood Associates, Inc.; Application for Preliminary Permit

February 2, 1981.

Take notice that Henwood Associates, Inc. (Applicant) filed on November 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3695 to be known as Pine Creek Project located on Pine Creek in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Kenneth Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977. 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) an 8-foot high concrete gravity diversion dam; (2) a 15-foot wide and 100-foot long concrete-lined forebay; (3) a 14,000-foot long steel penstock; (4) Pine Creek Powerhouse #1 containing a generating unit rated at 815 kW; (5) a 10-foot high concrete gravity diversion dam; (6) a 35-foot wide and 100-foot long forebay; (7) a 12,000-foot long steel penstock; (8) Pine Creek Powerhouse #2 containing a generating unit rated at 2,660 kW; (9) two transmission lines; and appurtenant facilities. The Applicant estimates that the average annual energy output would be 17 million kWh.

Purpose of the Project—The energy output of the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it would conduct engineering studies, perform preliminary designs, make an economic and feasiblity analysis, conduct environmental studies, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $70,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Joseph M. Keating's Project No. 3258 filed on July 18, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3695-000. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4519 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-165-000]

Holyoke Water Power Co., et al.; Filing an Agreement; Correction

January 30, 1981.

Holyoke Water Power Co., Western Massachusetts Electric Co., Holyoke Power and Electric Co., Connecticut Light and Power Co., issued December 18, 1980, December 31, 1980, January 19, 1981.

Take notice that the notices issued on the above dates in this docket should be *disregarded.* The following is being issued in its place:

Take notice that on or about December 11, 1980, Holyoke Water Power Company, Western Massachusetts Electric Company, Holyoke Power and Electric Company and Connecticut Light and Power Company (Companies) submitted for filing an agreement entitled "Oil Conservation Adjustment Agreement." The purpose of said agreement is to enable the Companies to convert the Mt. Tom electric generating plant to the use of coal, rather that oil.

In the same submittal, each of the parties to the "Oil Conservation Adjustment Agreement" submitted for filing a proposed change to their respective rate schedules so as to reflect the fuel costs at the Mt. Tom plant through participation in the "Oil Conservation Adjustment Agreement." Each of the Companies proposes that the changes in their respective rate schedules become effective on January 15, 1981, and that billings pursuant to these changes will commence on the date upon which the Mt. Tom generating

plant commences to burn coal as its primary fuel. The Companies estimate that this will occur in January 1982.

A copy of this filing has been served upon the affected customers of each of the Companies, and upon the affected 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, NE, 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 or 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. 81-4520 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3754-000, 3759-000]

Hydro Development Group Inc., Lawrence R. Taft; Applications for Preliminary Permit

February 2, 1981.

Take notice that Hydro Development Group Inc. (HDG) and Mr. Lawrence R. Taft (LRT) filed on November 18, 1980, and November 19, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed hydroelectric projects, each to be known as the High Falls Project, FERC Projects Nos. 3754 and 3759, respectively, located on the Deer River in Lewis County, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with HDG should be directed to: Mark E. Quallen, P.O. Box 58, Dexter, New York 13634. Correspondence with LRT should be directed to: Mr. Philip J. Movish, Daverman & Associates, P. C., 500 South Salina Street, Syracuse, New York 13202. 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 projects would utilize existing facilities consisting of: (1) the High Falls concrete gravity-type dam located at the head of the natural falls; (2) a small reservoir having negligible storage capacity; (3) an intake structure; (4) a penstock located along the left (north) bank; (5) a powerhouse; and (6) appurtenant facilities.

Applicant HDG would: (1) replace 750 feet of the penstock with a 5-foot diameter steel or fiberglass penstock; (2) restore the existing powerhouse; (3) repair or replace the two existing generating units having a total rated-capacity of 1,470 kVA at a head of 160 feet and a flow of 125 c.f.s.; and (4) construct a new one-half-mile long 13.8 kV transmission line.

Applicant LRT would: (1) replace about 1,200 feet of the penstock with a 6-foot diameter steel penstock; (2) install a new powerhouse containing generating units having a total rated capacity of 2,500 kW; and (3) construct a new transmission line.

HDG estimates that the average annual energy output would be 10,000,000 kWh; LRT estimates that the average annual energy output would be 10,782,000 kWh.

Purpose-of-Project—Each Applicant would sell the project energy to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. HDG estimates the cost of the studies under the permit would be $30,000. LRT estimates the cost of the studies under the permit would be $75,000.

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 applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicants). 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 10, 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 9, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications 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 C.F.R. § 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 10, 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 Projects Nos. 3754 and 3759. 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 Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4521 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3347-001]

Mr. John Raymond Beebe, Jr.; Application for Preliminary Permit

February 2, 1981.

Take notice that Mr. John Raymond Beebe, Jr. (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3347 to be known as Sunset Falls Water Power Project located on Skykomish River in Snohomish 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. John Raymond Beebe, Jr., 11639 102nd Place northeast, Kirland, Washington 98033. 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) an existing diversion structure within the north bank of the Skyomish River extending 20 feet into the river; (b) a 500-foot long penstock leading to; (c) a powerhouse containing a single generating unit with a rated capacity of 7,500 kW; and (d) a 0.25–mile long, 2.4–kV transmission line connecting the powerhouse with an existing transmission line north of the powerhouse.

The Applicant estimates that the average annual energy output would be 63 million kWh.

Purpose of Project—Project energy would be sold to a local industrial user.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive 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 Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $96,000.

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 noitice of intent allows an interested person to file the 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 C.F.R. §4.33(b) and (c) (1980). A competing application must confrom with the requirements of 18 C.F.R. § 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 C.F.R. §1.8 or §1.10 (1980). Comments not is 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 taken 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 INTERVENT", 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. 3347. 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. 81-4522 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-545; Docket No. CP78-527]

Michigan Wisconsin Pipe Line Co. and Great Lakes Gas Transmission Co.; Petition to Amend

January 30, 1981.

Take notice that on December 30, 1980, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP78–545 and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP78–527 a joint petition to amend the order isued July 23, 1979, as amended, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioners to provide additional gas transportation service for Panhandle Eastern Pipe Line Company

(Panhandle), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that ANR Storage Company (ANR) was authorized to provide natural gas storage service for Panhandle of 100,000 Mcf per year off peak service and 1,140,000 Mcf per year 50-day service and that ANR and Panhandle have amended their gas storage agreement to increase the 50-day storage service to 3,100,000 Mcf commencing April 1, 1981. Petitioners propose herein to provide additional transportation service for Panhandle incident to the increase in storage service which Panhandle has obtained from ANR.

Petitioners state that Mich Wis had originally agreed to provide transportation of up to 1,160,000 Mcf of natural gas plus compression fuel but to accommodate the additional storage service, the transportation ageement was amended on December 5, 1980, to increase the transportation volume to an aggregate of up to 3,150,000 Mcf plus compressor fuel requirements. Petitioners state that Mich Wis would transport a maximum daily quantity of 15,775 Mcf for the summer period and 61,994 Mcf for the winter period and that Panhandle has agreed to compensate Mich Wis for compressor fuel usage and pay Mich Wis $56,676 per month. It is asserted that Mich Wis would retain 2.5 percent for fuel use during the summer period and 1.6 percent for fuel usage during the winter period.

It is stated that Mich Wis' agreement with Panhandle provides that Mich Wis would cause Great Lakes to make deliveries of the storage gas to ANR during the summer period and take receipt of and redeliver the storage gas during the winter period. Moreover, Petitioners state that Mich Wis and Great Lakes would utilize a previously authorized arrangement between the parties, the terms and conditions of which were set forth in a May 30, 1978, gas transportation and exchange contract in order to implement the above described service. It is asserted that the transportation volumes proposed herein are completely within the contemplation of the aforementioned contract. Petitioners also state that the increase in service to Panhandle would be rendered using existing facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 23, 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' 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4523 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3261]

Modesto Irrigation District; Application for Preliminary Permit

February 2, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 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. 3261 to be known as the La Grange Project located on the Applicant's Main Canal in Stanislaus County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lee Delano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352. 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 be located on the Applicant's Main Canal and would consist of a power plant with a rated capacity of 3,500 kW. The project would use water now spilled over La Grange Dam which is located approximately 0.5 mile upstream of the proposed site. The Applicant estimates that the average annual energy output would be 6,700,000 kWhs.

Purpose of Project—The Applicant proposes to use the power output to meet its present and future electrical energy requirements within its service area.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare a definitive project report that would include economic feasibility, topographical mapping, engineering and environmental data, and cost estimates. The cost of the studies under the permit has been estimated by the Applicant to be about $85,000.

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 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 8, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 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 C.F.R. § 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 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "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. 3261. 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. 81-4524 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3495; Project Nos. 3712 and 3713]

Noah Corp. and Mitchell Energy Co., Inc.; Application for Preliminary Permits

February 2, 1981.

Take notice that Noah Corporation (NC) and Mitchell Energy Company, Inc. (MECI), (Applicants) filed on September 23, 1980, and November 10, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Projects Nos. 3495, 3712, and 3713 respectively, to be known as Ohio River Lock and Dam Hydroelectric Development, Ohio River Lock and Dam No. 52, and Ohio River Lock and Dam No. 53, respectively. Lock and Dam No. 52 is located on the Ohio River, 4.6 miles upstream from Metropolis, Illinois in McCracken County, Kentucky and Massac County, Illinois. Lock and Dam No. 53 is located on the Ohio River, 11 miles upstream from Mound City, Illinois in Ballard County, Kentucky, and Pulaski County, Illinois.

The application is on file with the Commission and is available for public inspection. Correspondence with NC should be directed to: Dr. James B. Price, President, Noah Corporation, P.O. Drawer 640, Aiken, South Carolina 29801. Correspondence with MECI, should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize two existing U.S. Army Corps of Engineers locks and dams.

Project No. 3495 would consist of: (1) a proposed powerhouse at each lock and dam, having a capacity of 25,000 kW each; (2) a proposed 100 foot-long penstock or intake channel to connect the turbine of each powerhouse to the upper pool at each dam; (3) a proposed 69 kV transmission line to connect Lock and Dam No. 52 to an existing 69 kV line owned by Kentucky Utilities Co., (4) a proposed transmission line to connect Lock and Dam No. 53 to an existing line in Illinois; and (5) appurtenant facilities.

Project No. 3712 would consist of: (1) a proposed powerhouse located just below the dam near an existing 110-foot-by-600-foot lock, utilizing an estimated generating capacity of 69 MW; (2) a proposed transmission line; and (3) appurtenant facilities.

Project No. 3713 would consist of: (1) a proposed powerhouse located just below the dam, near the new temporary 1,200-foot lock, and utilizing an estimated generating capacity of 70 MW; (2) a proposed transmission line; and (3) appurtenant facilities.

All three of the projects listed above are located on Federal lands.

NC estimates that the average annual energy output for Lock and Dam No. 52, and Lock and Dam No. 53 is 9,000,000 kWh.

MECI estimates that the average annual energy output for Lock and Dam No. 52, and Lock and Dam No. 53, is 143,000,000 kWh, and 145,000,000 kWh, respectively.

Purpose of Projects—Energy produced by Noah Corporation Project No. 3495, would be sold to a public or private utility.

Energy produced by Mitchell Energy Company, Incorporated, Project Nos. 3712 and 3713, would be sold to Kentucky Utilities Company or other local utilities.

Proposed Scope and Cost of Studies Under Permit—Each applicant seeks issuance of a preliminary permit for a period of three years. During that time they would determine the economic feasibility of the project, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project and prepare an application for FERC license, including an environmental report. NC estimates the cost of studies under the permit to be approximately $100,000. MECI estimates the cost of the studies for Lock and Dam No. 52 and for Lock and Dam No. 53 to be approximately $50,000 each.

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 Applicants.) 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 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 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 C.F.R. § 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 petiton to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing application, 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 Nos. 3495, 3712 and 3713. 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 N. Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, 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. 81-4525 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-29-000]

Ohio Edison Co.; Application for Exemption

February 4, 1981.

Take notice that Ohio Edison Company (Ohio Edison) on December 31, 1980 tendered for filing and application for exemption from certain reporting 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). Ohio Edison request that it be granted exemption from the requirements of Sections 290.403, 290.305(a)(3), 290.406(a), 290.501(a) and 290.501(b) relative to its retail rate 18 (Water Heating Service) which rate is in the process of elimination. Ohio Edison also requests that it be granted exemption from the requirements of Sections 290.501(a) and 290.502(a) as imposed by Section 290.404(h) as to its retail rate 12 (Optional Residential Service Time of Day) as sales pursuant to rate 12 represent less than 0.01% of the Company's KWH sales.

Ohio Edison states that it believes the purposes of Section 133 of PURPA will be served by approval of its application.

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, NW., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Ohio Edison Company, Attention: Michael A. Gribler, Attorney, 76 South Main Street, Akron, Ohio 44308.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4530 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-33-000]

Pennsylvania Power Co.; Application for Exemption

February 4, 1981.

Take notice that Pennsylvania Power Company (Penn Power), on January 2, 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, or or before June 30, 1982, information on the costs of providing electric service as specified in 18 CFR 290.403; 18 CFR 290.404(g) (1) and (2); 18 CFR 290.501 (a) and (b); and 18 CFR 290.502 (a) and (b).

In its application for exemption, Penn Power states that it should not be required to file the specified data for the following reasons:

Penn Power is currently conducting the required load survey on its RS class (residential) and intends to survey the WH (water heating) class using the same meters and recording devices following the completion of the RS survey in November 1981. The same meters and recording devices will also be used in the rate GS and GM surveys. Rates GS, GM and GL (General Service or Commercial) are classes which were first effective on June 15, 1980, as a result of a reorganization of former rate classes. Insufficient data exists for these classes at this time to determine their percentage contribution to retail sales. Appropriate twelve-month data for these accounts which is needed to determine the number of meters and sample design for the surveys will not be available until December 1981. Therefore, the rotational use of the meters and recording devices as well as the insufficient data base for certain classes make compliance with the cited sections of Part 290 infeasible at this time.

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, NE., Washington, D.C. 20426, or or before March 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: Pennsylvania Power Company, 1 East Washington Street, New Castle, Pennsylvania 16103.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4527 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3761-000]

Sequoia Energy Corp.; Application for Preliminary Permit

February 2, 1981.

Take notice that Sequoia Energy Corporation (Applicant) filed on November 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3761 to be known as the McMillan Hydro Project located on the Pecos River in Eddy County, New Mexico. The application is on file with the

Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lee Trent, President, Sequoia Energy Corporation, 20317 Arminta Street, Canoga Park, California 91306. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's McMillan Dam and Reservoir and would consist of: (1) a modified headworks; (2) a new penstock, approximately 500 feet long, through the existing outlet works tunnel at the left river bank; (3) a new powerhouse containing generating units having a total rated capacity of 2,000 kW; (4) a tailrace; (5) transmission lines utilizing at the site service lines, if feasible; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 4,500,000 kWh and 5,000,000 kWh.

Purpose of Project—Project energy would be sold to the Southwestern Public Service Company. Other alternatives, such as sale to nearby public institutions or industrial users, will be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

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", "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. 3761. 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. 81-4528 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-28-000]

Springfield Utility Board; Application for Exemption

February 4, 1981.

Take notice that the Springfield Utility Board (Springfield), 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 (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 is specified in Part 290, Subpart B, C, D, and E.

In its application for exemption, Springfield states that it should not be required to file the specified data for the following reasons:

(1) The purposes of the Section are not directly applicable.

(2) Springfield is presently in substantial compliance with the purposes of the NEA, PURPA Section 133 and the regulations thereunder.

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 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: Springfield Utility Board, Attention: Mr. Steve L. Loveland, General Manager, P.O. Box 300, Springfield, Oregon 97477.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-4529 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE80-40]

The City of Santa Clara Municipal Electric Department; Application for Exemption

February 4, 1981.

Take notice that the City of Santa Clara Municipal Electric Department (Santa Clara), on January 5, 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, 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, Santa Clara states that it should not be required to file the specified data for the following reasons:

(1) Santa Clara in the past has been under no obligation to structure its accounting system to conform to the Uniform System of Accounts. Santa Clara intends, however, to change its accounting system to make the greater detail required by Part 290 available.

(2) Marginal cost data presents a problem since Santa Clara is soon to bring on stream a 6 MW cogeneration facility. Basing marginal costs on this small cogeneration facility would be unreasonable.

(3) Borrowed data from a large adjoining utility is probably as accurate as that they could obtain themselves from an elaborate and costly load research program.

(4) All information on which their low rates are based is presently freely available.

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 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: The City of Santa Clara Municipal Electric Department, Attention: Mr. Thomas A. Goulding, Assistant City Manager, 1500 Warburton Avenue, Santa Clara, California 95050.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4530 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-29-002]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 3, 1981.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on January 29, 1981 Twentieth Revised Sheet No. 12, Twentieth Revised Sheet No. 15 and Third Revised Sheet No. 16 to Second Revised Volume No. 1, and Twenty-Sixth Revised Sheet No. 121 to Original Volume No. 2 of Transco's FERC Gas Tariff. These tariff sheets, which are proposed to be effective March 1, 1981, reflect a net increase of 66.6¢ per dekatherm (dt) in the commodity or delivery charge of Transco's CD, G, OG, E, PS and S-2 rate schedules, a net increase of 66.3¢ per dt in the commodity charge under the ACQ rate schedule, and a net increase of 1.2¢ per dt in the delivery charge of the X-20 rate schedule.

Transco states that these changes have been computed in accordance with the tracking provisions contained in the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. The tracking rate change under the PGA clause (Section 22) amounts to an increase of 65.4¢ per dt in the commodity or delivery charge in Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules. The tracking rate change to reflect curtailment credits (Section 20) is an increase of 0.3¢ per dt in the commodity of delivery charge under Transco's CD, G, OG, E, PS, S-2 and X-20 rate schedules. The tracking rate change for Louisiana First Use Tax (Section 25) is an increase of 0.9¢ per dt in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2, ACQ and X-20 rate schedules.

The Company states that copies of the filing are being mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 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. 81-4531 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-31-000]

Turlock Irrigation District; Application for Exemption

February 4, 1981.

Take notice that the Turlock Irrigation District (Turlock), on January 2, 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, 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, Turlock states that it should not be required to file the specified data for the following reasons:

(1) The purposes of Section 133 are not directly applicable.

(2) The applicant is presently in substantial compliance with the purposes of the NEA, PURPA, Section 133 and regulations thereunder.

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 26, 1981. Within that 45-day period such person must also serve a copy of such comments on: Turlock Irrigation District, Attention: N. C. Boberg, Electrical Department Manager, P.O. Box 949, Turlock, California 95380.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4532 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-3636, et al.]

Union Texas Petroleum Corporation (Formerly Union Texas Petroleum, a Division of Allied Chemical Corporation); Corporate Redesignation

February 2, 1981.

Take notice that on September 17, 1980, Union Texas Petroleum Corporation (Union Texas) of P.O. Box 2120, Houston, Texas 77001, filed an application in Docket Nos. G-3636, *et al.*, advising the Commission that by Agreement and Instrument of Transfer, effective December 31, 1979, Allied Chemical Corporation implemented an organizational restructure whereby Union Texas Petroleum, A Division of Allied Chemical Corporation became Union Texas Petroleum Corporation, a wholly owned subsidiary of Allied Chemical Cororation. Union Texas is requesting the Commission to amend its orders issuing Certificates of Public Convenience and Necessity previously held by Union Texas Petroleum, A Division of Allied Chemical Corporation, and redesignation of all the FERC Gas Rate Schedules.

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 ther 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 aplications 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. 81-4533 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3589-000]

City of Zanesville; Application for Preliminary Permit

February 2, 1981.

Take notice that City of Zanesville (Applicant) filed on October 20, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3589 to be known as the Dam No. 10 Hydro Project located on the Muskingum River in Muskingum County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Frederic J. Grant III, P. E., Director, Department of Public Service, 401 Market Street, Zanesville, Ohio 43701.

Dam No. 10 is owned by the State of Ohio. 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 be run-of-the-river and would consist of: (1) an existing dam, approximately 600 feet long and 16 feet high, constructed of sheet pile cells filled and capped with concrete; (2) a reservoir with negligible pondage and normal maximum elevation of 687.55 feet m.s.l.; (3) a new penstock or inlet flume of approximately 400 square feet area and 100-foot length; (4) a new powerhouse containing generating units having a total rated capacity of 3,850 kW; (5) a new supplementary powerhouse, on an existing side navigation channel, containing generating units having a total rated capacity of 400 kW; (6) tailraces; (7) new transmission lines; and (8) appurtenant facilities. Total generating capacity would be 4,250 kW. The Applicant estimates that the average annual energy output would be 25,100,000 kWh.

Purpose of Project—Project energy would be sold to the Ohio Power Company or used for various city facilities, depending on studies.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historical and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $54,039.

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 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 8, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3589. 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. 81-4509 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of December 1 through December 5, 1980

During the week of December 1 through December 5, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

K & L Retail, Inc., Columbus Junction, Iowa, BEA-0479, motor gasoline

On September 25, 1980, K & L Retail, Inc. (K&L) filed an Appeal from an Order issued by the Region VII Office of Petroleum Operations of the Economic Regulatory Administration (ERA) on August 5, 1980, which denied the firm's application for an assignment of a base period volume of motor gasoline. The August 5 Order found that the motor gasoline market to be served by K & L was declining and that motor gasoline supplies available to the area were adequate. The August 5 Order also found that existing retailers' competitive viability would be diminished as a result of the assignment of a base period volume to K & L. In considering the K & L Appeal, the DOE determined that the ERA Region VII decision to deny an assignment to K & L was inconsistent with the 10 CFR 205.35(b) criteria for assignment and that granting an assignment to K & L was consistent with those regulatory criteria. The DOE therefore concluded that the August 5 Order should be rescinded and that ERA Region VII should assign an appropriate base period volume to K & L. The DOE also indicated that, in making a determination as to the appropriate base period allocation, ERA Region VII may consider the provisions of 10 CFR 211.12(e)(4) in determining whether to reduce the assigned base period volume below that of the nearest comparable outlet.

Varon, Charles San Francisco, Calif., BFA-0513, freedom of information

Charles Varon filed an Appeal from a denial by the Director of the Division of Program Support of the Office of Military Application of a request for a waiver of copying fees submitted in connection with a request for information which Mr. Varon had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the furnishing of the requested information would not primarily benefit the public and, therefore, Mr. Varnon's Appeal regarding the waiver of fees was denied. Important issues that were considered in the Decision and Order were (i) the degree of specificity required in a determination to deny a request for a waiver of copying fees and (ii) whether waivers of fees should be granted to freelance writers where there is not a substantial likelihood that an article concerning the material will be published.

Remedial Order

Bud Dietrich d.b.a. Bud Dietrich's Orinda Shell, Orinda, Calif., BRO-0063, motor gasoline

Bud Dietrich d.b.a. Bud Dietrich's Orinda Shell objected to a Proposed Remedial Order which the Western District of the ERA Office of Enforcement issued to the firm on September 27, 1979. In the Proposed Remedial Order, the ERA found that Dietrich sold motor gasoline to its retail customers in excess of the maximum lawful selling price, in violation of 10 C.F.R. § 212.93, and that it charged for services by means of a fee computed on a cents per gallon basis, in violation of 10 C.F.R. § 210.62(d). In considering the firm's objections, the DOE found that the firm had violated 10 C.F.R. §§ 212.93 and 210.62(d); that a subpoena issued to the firm did not violate the Fourth Amendment nor the Administrative Procedure Act; and that the firm waiver its right to contest a formal defect in the subpoena by not contesting it within the time specified by DOE Regulations. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) whether the exclusionary rule applies in Remedial Order Proceedings before OHA; (ii) whether the charging of a cents-per-gallon fee for services that results in a total price in excess of the maximum lawful selling price violates 10 C.F.R. § 212.93; (iii) whether 10 C.F.R. § 210.62(d) was promulgated in violation of the procedural requirements of the DOEOA and APA; (iv) whether 5 U.S.C. § 555(d) is applicable to subpoenas issued by ERA; and (v) whether a formal defect in a subpoena is waived if not contested within the time specified by DOE regulations.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company name, Case No., and Location

David Bresley d.b.a. Bloomingdale Service—BRW-0049—Bloomingdale, IL

Petition for Special Redress

Robert E. Brain, Cooper and Brain, Inc., Washington, D.C. DSG-0056

Robert E. Brain and Cooper and Brain, Inc. jointly filed a Petition for Special Redress in which they sought to have refunded certain charges they were assessed by the DOE for searching and copying documents released to them pursuant to a Freedom of Information Act (FOIA) request. In considering the petition, the DOE concluded that special redress relief would be appropriate when it was demonstrated that user fees for a FOIA request charged pursuant to 10 C.F.R. § 1004.9 were improperly assessed. The DOE found that because 86 percent of the material released to the petitioners was not responsive to their FOIA request, that portion of the fees charged petitioners for searching and copying the non responsive documents was assessed improperly. The petition was therefore granted and the Director of the Office of FOI and Privacy Acts Activities was ordered to refund $817 of the $951 in users fees which petitioners had paid.

Request for Modification and/or Rescission

Shell Oil Company, Houston, Tex., BER-0068, gasohol

Shell Oil Company filed an Application for Rescission of the Decision and Order of the Office of Hearings and Appeals which granted an increased allocation of motor gasoline to Stockman Oil Two, Inc. (Stockman) to enable the firm to produce and market gasohol. (*Stockman Oil Two, Inc.*, 6 DOE ¶81,225 [1980].). In considering the Application, the DOE determined that Stockman's temporary suspension of its gasohol program prior to receiving exception relief did not affect the decision of the Office of Hearings and Appeals that Stockman was entitled to exception relief. In addition, the DOE noted Stockman's stated intention of resuming its gasohol program in order to comply with the conditions for acceptance of the exception relief. Shell's rescission request was therefore denied.

Requests for Exception

Company Name, Location, and Case No.

Amerada Hess Corporation—Washington, D.C.—BEE–1310
Ashland Oil, Inc.—Ashland, Ky.—BEE–1377
Atlantic Richfield Company—Los Angeles, Calif.—BEE–1301
Chevron U.S.A. Inc.—San Francisco, Calif.—BEE–1359
Cities Service Company—Tulsa, Okla.—BEE–1400
Exxon Company, U.S.A.—Houston, Tex.—BEE–1411
Getty Refining and Marketing Co.—Tulsa, Okla.—BED–1320
Gulf Oil Corporation—Houston, Tex.—BEE–1304
Mobil Oil Corporation—Washington, D.C.—BEE–1281
Shell Oil Company—Houston, Tex.—BEE–1309
Standard Oil Company of Indiana (Amoco)—Chicago, Ill—BEE–1314
Standard Oil Company of Ohio (Sohio)—Cleveland, Ohio—BEE–1391
Sun Oil Company of Pennsylvania—Philadelphia, Pa.—BEE–1349
Tenneco Oil Company—Houston, Tex.—BEE–1401
Texaco, Inc.—White Plains, N.Y.—BEE–1518; motor gasoline, propane.

The Applicants filed Applications for Exception from the provisions of 10 CFR § 212.83 in which the firms sought relief permitting them to increase their prices of covered petroleum products sold in the State of Connecticut to reflect the amount of a gross receipts tax imposed by Connecticut on sales of petroleum products by integrated refiners. In considering the request, the DOE found that exception relief was necessary to prevent non-Connecticut purchasers from bearing some of the burden of the Connecticut tax. Accordingly, exception relief was granted.

Aminoil U.S.A., Inc., Houston, Tex., BXE–1295, crude oil

Aminoil U.S.A., Inc. (Aminoil) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Aminoil to sell at upper tier ceiling prices 56.59 and 53.37 percent of the working interests' share of the crude oil produced and sold from the California State Lease 392 for the benefit of the integrated and independent producers, respectively.

Atlantic Richfield Company, Dallas, Tex., DXE–2235, crude oil

Atlantic Richfield Company filed an Application for Exception from the Mandatory Petroleum Price Regulations in which the firm sought to sell a portion of the crude oil produced at the Rincon Island lease at upper tier prices. In considering the request, the DOE found that exception relief was necessary to give the firm an incentive to continue production at the Rincon Island lease.

Deberson Arco, Oakmont, Pennsylvania; BEO–0133, motor gasoline

Deberson Arco filed an Application for Exception from the provisions of 10 CFR §§ 211.9–12 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that either it or the town of Oakmont, Pennsylvania, was experiencing a serious hardship, gross inequity, or unfair distribution of burdens as a result of the firm's current allocation of motor gasoline. Accordingly, exception relief was denied.

Don White Oil Service, Galesburg, Illinois; BEE–0690, gasohol

Don White Oil Service filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of unleaded motor gasoline for the purpose of blending gasohol. In considering the request, the DOE found that exception relief was necessary to encourage the firm to continue gasohol production.

Albert Hall, Jackson, Tennessee; BEO–0297, BEN–0010, motor gasoline

On November 1, 1979, Albert Hall filed an Application for Exception in which he sought an increase in his service station's base period allocation of gasoline. In considering the request, the DOE found that because the Petitioner did not acquire his station until after the updating of the base period for the allocation of motor gasoline on February 28, 1979, the Application for Exception should be denied. In view of this determination, the firm's motion for Interim Decision and Order was dismissed.

Holmes Amoco, Portsmouth, Virginia; DEE–3640, motor gasoline

On April 12, 1979, Holmes Amoco (Holmes) filed an Application for Exception from the provisions of 10 CFR Sections 211.9–12 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was experiencing a serious hardship, gross inequity or unfair distribution of burdens which was attributable to the DOE regulatory program. Accordingly, exception relief was denied.

J. S. Pate Oil Company, Inc., Cordele, Georgia; DEE–4978, motor gasoline

J. S. Pate Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that any financial difficulties which it may have experienced were caused by the application of the DOE Regulations. Accordingly, exception relief was denied.

Northrop Corp., Hawthorne, California; BEO–0779, motor gasoline

Northrop Corp. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was unable to satisfy its motor gasoline requirements with its current base period allocation. Accordingly, exception relief was denied.

Northwest Land Company, Denver, Colorado; BEO–0461, motor gasoline

Northwest Land Company filed an Application for Exception from provisions of 10 CFR Part 211 in which the firm sought an increase in the base period allocation of motor gasoline at its Roggen, Colorado outlet. In considering the request, the DOE found that exception relief was necessary to relieve a gross inequity caused by the application of the DOE allocation regulations. Accordingly, exception relief was granted.

Pennzoil Producing Company, Houston, Texas; BXE–1148, crude oil

The Pennzoil Producing Company filed an Application for Exception from provisions of 10 CFR Part 212, Subpart D in which the firm sought an extension of exception relief to enable it to sell the crude oil produced from the McGraw-Stevens Waterflood Unit at prices in excess of the ceiling prices permitted by the Mandatory Petroleum Price Regulations. In considering the request, the DOE found that exception relief was necessary to provide the firm with an incentive to continue crude oil production activities. Accordingly, exception relief was granted.

Henry M. Peterson, Colville, Washington; BEO–1151, motor gasoline

Henry M. Peterson filed an Application for Exception from the provisions of 10 CFR Part 211.9–12 in which he sought an increase in his base period allocation of motor gasoline. In considering the request, the DOE found that Peterson had not provided the OHA with information which was necessary for a thorough evaluation of Peterson's Application for Exception, and that Peterson had therefore failed to establish a serious hardship or gross inequity. Accordingly, exception relief was denied.

Rescue Junction General Store, Rescue, California; BEO–0785, motor gasoline

Rescue Junction General Store filed an Application for Exception from provisions of 10 CFR Part 211 in which the firm sought a change of supplier and an increase in its base period allocation. In considering the request, the DOE found that the firm had failed to establish that it had been defrauded by its supplier or that it was incurring damages as a result of its base period supplier/purchaser relationship. The DOE also found that the firm had not established that the community of Rescue is suffering an unfair distribution of burdens as a result of the allocation regulations. Accordingly, exception relief was denied.

Texaco, Inc., Johnson County, Wyoming and Moffat County, Colorado; DXE–2089, DXE–2090

Texaco, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.73 in which the firm sought permission to sell certain quantities of crude oil that it produces from the State of Wyoming "G" Lease and the John Sweeney Lease at upper tier prices. In considering the request, the DOE found that exception relief was necessary to provide Texaco, Inc. with an economic incentive to continue its crude oil production activities at these two leases. Accordingly, exception relief was granted.

Utotem, Whittier, California: BEO-0218, motor gasoline

Utotem filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increased base period allocation of motor gasoline for two motor gasoline retail outlets which it owns and operates. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering an inequity or hardship as a result of the DOE regulatory program. Accordingly, exception relief was denied.

Winsauer's Texaco, Mathis, Texas; BEO-0979, motor gasoline

Winsauer's Texaco filed an Application for Exception from the provisions of 10 C.F.R. Part 211 or 212 in which the firm requested that it be permitted to charge a retail price for motor gasoline which exceeds the maximum lawful price established under the provisions of 10 C.F.R. § 212.93 or alternatively that its base period allocation of motor gasoline be increased. In considering the request, the DOE found that exception relief was necessary to increase the firm's allocation for December 1979 to alleviate any financial hardship which the firm would suffer as a result of its supplier's reducing its December 1979 allocation to recoup motor gasoline overdrawn by the applicant during the previous eleven months. Accordingly, exception relief was granted with respect to Winsauer's December 1979 allocation. In all other respects, Winsauer's Application for Exception was denied.

Supplemental Order

Kenny's Food Markets, Richfield, Minnesota; BEX-0133, motor gasoline

On October 22, 1979, the Office of Hearings and Appeals issued a Decision and Order granting an extension of exception relief to Kenny's Food Market for having met the criteria set forth in *Leo Anger, Inc.*, 4 DOE ¶ 81,037 (1979). That Decision required Kenny's Food Markets to file a financial statement with the Office of Hearings and Appeals by July 31, 1980, so that the Office of Hearings and Appeals could determine whether the relief granted to the firm should be rescinded or modified. Since Kenny's Food Markets did not provide the Office of Hearings and Appeals with this information, the firm's exception relief was rescinded. However, Kenny's explained that because of accounting difficulties, it could not meet the terms of the October 22 Decision until recently, and submitted the required financial data. Since that data indicate that the firm continues to meet the standards set forth in *Anger*, Kenny's Food Markets' relief was reinstated.

Motion for Discovery

Chevron U.S.A. Inc., Washington, D.C.; BED-0285, crude oil

Chevron U.S.A. Inc. filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Decision and Order issued to Dow Chemical U.S.A. on June 20, 1980 (BEE-0285). In its Motion, Chevron sought release of confidential information filed by Dow in support of its exception application. In considering the discovery request, the DOE found that Chevron failed to demonstrate that access to Dow's conversion costs data was necessary to enable Chevron to support its Statement of Objections. The DOE further found that other confidential information filed by Dow should be released to Chevron under specified conditions which would protect the confidentiality of the material. Accordingly, the Motion for Discovery was granted in part.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Name, Case No., and Location

Oahu Gas Service, Inc. and Gasco, Inc., BEJ-0158; Washington, DC
Somerset Refining, Inc., Washington, DC
Standard Oil Co. of Ohio, BEJ-0155
Mobil Oil Corp., BEJ-0156
Marathon Oil Co., BEJ-0157
Chevron U.S.A. Inc., BEJ-0159

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Harrison Gas & Oil, Inc., BXE-0245; Los Angeles, CA
Robert Ducote, BEO-0169; Cottonport, LA
Louis Dishotel, BEO-0170
Dale Brouillette, BEO-0171
Mike Lemaine, BEO-0172
Matt Plauche, BEO-0173
Henry Dishotel, BEO-0174
Terry Armand, BEO-0175
Gerald Desselle, BEO-0176

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Louis H. Long, DEE-2610; Rapid City, SD
Morris I-80 Standard, BEO-0542; Adair, IA
Quick Car Wash & Gas Mart, BEO-0279; Jacksonville, NC
Warelubco, Inc., DEE-2396; Washington, DC
Wigg's Country Store, BEO-0597; Des Moines, IA

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Brair Vista Chevron, BEE-0450
CIC Corporation, DEE-7353
G&M Fuel Oil Co., Inc., BEH-0158
Hart County Energy & Conservation Coalition, BFA-0528
Herb's Union 76, BRO-0200
Knodle Oil Co., BEE-1033
Lasalle Oil Co., BEE-0845
Macbean Country Market, DEE-6438
Marple Newton School District, BEE-1154
Marvel Heat Corp., BEE-0231
Neviaire M. Serrajian, BFA-0532

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published lose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

[FR Doc. 81-4466 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of December 8 through December 12, 1980

During the week of December 8 through December 12, 1980, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 C.F.R. Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or

law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

Atlantic Richfield Co., Los Angeles, CA; DEE-2151

The Atlantic Richfield Company filed an Application for Exception from the provisions of 10 C.F.R. § 212.83(c). The exception request, if granted, would permit the Atlantic Richfield Company to adjust its May 1973 base period marketing costs, by eliminating those direct non-product marketing costs associated with divested assets. On December 12, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

C & M Oil, Inc., Kimball, Nebraska; BEE-1354, crude oil

C & M Oil, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.131. The exception request, if granted, would permit C & M, Inc. to receive the market price for a volume of crude oil that it sold to The Premian Corporation on September 18, 1979. On December 12, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Dr. Hooper Oil & Royalty Co., Conroe, Texas; BXE-1514, crude oil

Dr. Hooper Oil and Royalty Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit the applicant to continue to sell certain quantities of the crude oil which it produces from the McComb Lease at prices in excess of the applicable ceiling price levels. On December 11, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Highway Petroleum Sales, Inc., Hancock, Maryland; BEE-1203, gasohol

Highway Petroleum, Sales, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Highway to receive an increase in its allocation of unleaded motor gasoline for the express purpose of producing gasohol. On December 10, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Navajo Refining Company, Artesia, New Mexico; DEX-0122, crude oil

In accordance with Decisions and Orders issued to Navajo Refining Company which granted the firm exception relief from the provisions of 10 CFR § 211.67 (the Entitlements Program) the firm submitted actual financial data for its 1978 fiscal year ended July 31, 1978. On December 12, 1980 after reviewing the level of exception relief granted to Navajo under the applicable standards, the DOE issued a Proposed Decision and Order which determined that Navajo should receive $488,850 of entitlements.

Navajo Refining Company, Artesia, New Mexico; BEX-0131, crude oil

In accordance with Decisions and Orders issued to Navajo Refining Company (Navajo) which granted the firm exception relief from the provisions of 10 CFR § 211.67 (the Entitlements Program) the firm submitted actual financial data for its 1980 fiscal year ended on July 31, 1980. On December 12, 1980, after reviewing the level of exception relief granted to Navajo under the applicable standards, the DOE issued a Proposed Decision and Order which determined that Navajo should sell $1,731,340 of entitlements.

Navajo Refining Company, Artesia, New Mexico; BEX-0014, crude oil

In accordance with Decisions and Orders issued to Navajo Refining Company which granted the firm exception relief from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program) the firm submitted actual financial data for its 1979 fiscal year ended July 31, 1979. On December 12, 1980, after reviewing the level of exception relief granted to Navajo under the applicable standards, the DOE issued a Proposed Decision and Order which determined that Navajo should receive $2,100,691 of entitlements.

Navajo Refining Company, Artesia, New Mexico; BEE-0247, crude oil

Navajo Refining Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. The exception request, if granted, would have resulted in the issuance of an order reducing the number of entitlements the firm was required to purchase each month in order to reduce Navajo's average post-entitlements crude oil acquisition costs to a level below the national average post-entitlements crude oil cost of all domestic refiners. On December 12, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Trueblood Oil Company, Shelburn, Indiana; BEE-0529, gasohol

Trueblood Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211, Subpart F. The exception request, if granted, would permit Trueblood to receive an increased allocation of motor gasoline for the express purpose of blending and marketing gasohol. On December 9, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No. and Location

Craig Oil Co., DXE-6138, Atlanta, GA

L. H. Smith Oil Corp., BEE-1523, Indianapolis, IN

Linn Enterprises, Inc., DEE-6854, Cottage Grove, MN

P & W Oil Company, Inc. DEE-7439, Mineral, VA

[FR Doc. 81-4469 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of December 15 through December 19, 1980

During the week of December 15 through December 19, 1980, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publications of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

Caribou Four Corners, Inc., Afton, Wyoming; BEE-1478, crude oil

Caribou Four Corners, Inc., filed an Application for Exception from the provisions of 10 CFR § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Caribou of a portion of its entitlement purchase obligations during the period December 1980 through May 1981 for crude oil receipts and runs to stills during the period October 1980 through March 1981. On December 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Copano Refining Company, Washington, D.C.; BEE-1325, crude oil

Copano Refining Company filed an Application for Exception from the provisions of 10 CFR § 211.65. The exception request, if granted, would result in the issuance of an order authorizing the firm to participate in the DOE Crude Oil Buy-Sell Program as a refiner-buyer. On December 19, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Devon Corporation and D'Arbonne Energy Corporation, Oklahoma City, Oklahoma; DEE-2315, Natural gas

Devon Corporation filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart E. The exception request, if granted, would permit Devon to calculate on a plant-by-plant basis its increased costs of natural gas shrinkage at several natural gas processing plants. On December 19, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Flippo's Oil Company, Harrisonburg, Virginia, BEE-1071, gasohol

Flippo's Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would permit Flippo's to receive an increased allocation of unleaded gasoline for use in blending gasohol. On December 16, 1980, the Department of Energy issued a Proposed Decision and order which determined that the exception request be granted.

Giant Industries, Inc., Washington, D.C., BEE.1346, Crude oil

Giant Industries, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. The exception request, if granted, would increase the number of entitlements issued to the firm in each month on order to permit Giant to purchase, at an average post-entitlements acquisition cost equivalent to that of other refiners, the volumes of crude oil necessary to run its refinery at the national refinery utilization rate. On December 19, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Kentucky Oil & Refining Company, Inc., Betsy Layne, Kentucky; BEE-0565, crude oil

Kentucky Oil & Refining Company, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Kentucky of a portion of its entitlement purchase obligations during the period March 1980 through February 1981 to account for crude oil receipts and runs to stills during the period January 1980 through December 1980. On December 16, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Kerr-McGee Corporation, Washington, D.C.; BEE-1561, crude oil

Kerr-McGee Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would require the Economic Regulatory Administration to issue Kerr-McGee additional entitlements to correct a reporting error which the firm made. On December 19, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Pennzoil Producting Company, Houston, Texas; BXE-1527, crude oil

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit the applicant to continue to sell certain quantities of the crude oil which it produces from the Woodruff Sand Waterflood Unit at market prices. On December 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Pennzoil Producing Company, Houston, Texas; BXE-1526, crude oil

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit the applicant to continue to sell certain quantities of the crude oil which it produces from the McGraw-Stevens Waterflood Unit at upper tier ceiling prices. On December 18, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Phillips Puerto Rico Core, Inc., Bartlesville, Oklahoma; BEE-1235, Naphtha

Phillips Puerto Rico Core, Inc. (Core) filed an Application for Exception from the Naphtha Entitlements Program, 10 C.F.R. § 211.67(d)(5). The Core application, if granted, would increase the limit on the value of a naphtha entitlement to twice the value of a crude oil entitlement for Core's imports of naphtha into Puerto Rico. On December 16, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the Core request should be granted in part.

Plateau, Inc., Washington, D.C.; BEE-1480, crude oil

Plateau, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Plateau of a portion of its entitlement purchase obligations during the period December 1980 through May 1980 to account for crude oil receipts and runs to stills during the period October 1980 through March 1981. On December 16, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Sage Creek Refining Company, Cowley, Wyoming; BXE-1384, crude oil

Sage Creek Refining Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Sage Creek of a portion of its entitlement purchase obligations during the period November 1980 through April 1981 for crude oil receipts and runs to stills during the period September 1980 through February 1981. On December 16, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Southland Oil Company, Jackson Mississippi; BXE-1476, crude oil

Southland Oil Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Southland of a portion of its entitlement purchase obligations during the period December 1980 through February 1981 for crude oil receipts and runs to stills during the period October 1980 through December 1980. On December 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Thriftway Company, Washington, D.C.; BXE-1490, crude oil

Thriftway Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Thriftway of a portion of its entitlement purchase obligations during the period December 1980 through February 1981 for crude oil receipts and runs to stills during the period October 1980 through December 1980. On December 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Total Petroleum, Inc., Alma, Michigan; BEE-1417, crude oil

Total Petroleum, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.83. The exception request, if granted, would stay for 90 days the provisions of the refiner price regulations which require Total to treat its existing and newly-acquired refining and marketing operations as a single "firm" for purposes of computing its selling prices and allocation fractions. On December 15, 1980, the Department of Energy issued a Proposed Decision and Order which

determined that the exception request be granted.

Union Oil Company of California, Schaumburg, Illinois; BEE-1507, Motor gasoline

Union Oil Company of California filed an Application for Exception from the provisions of 10 C.F.R. Part 212. The exception request, if granted, would permit Union to increase its sales price for motor gasoline sold in the State of Connecticut to reflect the amount of a Connecticut State Gross Receipts Tax on petroleum products. On December 19, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Warrior Asphalt Company of Alabama, Washington, D.C.; BXE-1477, crude oil

On September 30, 1980, Warrior Asphalt Company of Alabama filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Warrior of a portion of its entitlement purchase obligations during the period December 1980 through May 1981 for crude oil receipts and runs to stills during the period October 1980 through March 1981. On December 16, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Young Refining Company, Washington, D.C.; BXE-1479, crude oil

Young Refining Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would relieve Young of a portion of its entitlement purchase obligations during the period December 1980 through May 1981 for crude oil receipts and runs to stills during the period October 1980 through March 1981. On December 17, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Company Name, Case No., and Location

Mustapha Ally, BEE-1188, Chevy Chase, Md.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Carriage Hills Marathon, BEE-1198; Washington, DC
Lakeside Marathon, BEE-1422
Kenny's Marathon, BEE-1424
Berkshire Marathon, BEE-1425
Mark's Broadway Mar, BEE-1427
Norman C. Straka, BEE-1430
Joe's Marathon, BEE-1431
Banich's Marathon, BEE-1432
Denny's Auto Towing, BEE-1433
Dave & Mike's Mar, BEE-1434
Bay Valley Marathon, BEE-1440
Garry's Marathon, BEE-1442
Stamp's Marathon, BEE-1455
Don Clock's Marathon, BEE-1457
Springer's Marathon, BEE-1460
Yoder's Marathon, BEE-1465
Cutlerville Marathon, BEE-1469
Stephen A. Fronk, BEE-1472
Brook's Marathon, BEE-1474
Eastside Marathon, BEE-1535
Dale Graybell Texaco, DEE-7029; E. Hartford, CT
Norman W. Elkins, BEE-1423; Washington, DC
Westside Service Center, BEE-1444
Chuck & Ken's Marathon, BEE-1445
Ted's Marathon, BEE-1446
Baker's Marathon, BEE-1448
Arlington Marathon, BEE-1449
Foreman & Sons Marathon, BEE-1451
Manley's Marathon, BEE-1452
Trent's Marathon, BEE-1456
A. J. Amer & Sons, BEE-1470
Dan's Marathon, BEE-1473
Power Test Petroleum Distributors, DEE-7481
Thurman's Auto Parts, Inc., DEE-7200; Longview, WA
Union Oil Company of California, BEE-1390; Schaumburg, IL

[FR Doc. 81-4470 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of December 22 through December 26, 1980

During the week of December 2 through December 26, 1980, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings [10 CFR Part 205, Subpart D], any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publications of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

Cities Service Company, Tulsa, Oklahoma; BEE-0367 gasohol

Cities Service Company filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Cities Service Company to supply additional volumes of unleaded gasoline to company-operated retail outlets participating in the firm's gasohol test marketing program. On December 22, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted and that company-operated retail outlets and independent marketers participating in Cities Service's gasohol marketing program be permitted to receive increased allocations of unleaded gasoline.

Maruya's 76 Bay Service, Kaneohe, Hawaii; DEE-8030 motor gasoline

Maruya's 76 Bay Servive filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Maruya's 76 Bay Service to increase the fixed cents per gallon markup on its motor gasoline above the maximum legal level specified in the motor gasoline price regulations. On December 22, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-4471 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of December 15 through December 19, 1980

During the week of December 15 through December 19, 1980, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings

and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

A-1 Arco, Oakland, California; BRO-1345 motor gasoline

On December 25, 1980, A-1 Arco, 889 West Grand Ave., Oakland, California 94611 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to July 31, 1980, A-1 Arco committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the A-1 Arco violation resulted in $10,390.54 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

A-1 Exxon, Capitola, California; BRO-1348 motor gasoline

On December 15, 1980, A-1 Exxon, 836 Bay Avenue, Capitola, California 95010 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 20, 1979, A-1 Exxon committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the A-1 Exxon violation resulted in $2,578.33 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Barkett Oil Company, Miami, Florida; BRO-1357, motor gasoline

On December 16, 1980, Barkett Oil Company, 7950 N.W. 58th Street, Miami, Florida 33166 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on November 12, 1980. In the Proposed Remedial Order the Southeast District found that during April 1, 1979 to July 31, 1979, the firm sold gasoline at prices in excess of the maximum lawful selling prices determined in accordance with 10 CFR § 212.93.

According to the Proposed Remedial Order the Barkett Oil Company violation resulted in $680,902.32 of overcharges.

Eugene's Chevron Service, San Francisco, California; BRO-1347, motor gasoline

On December 15, 1980, Eugene's Chevron Service, 2301 Noriega Street, San Francisco, California 94122 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to January 11, 1980, Eugene's Chevron Service committed pricing violations in the sale of motor gasoline in the state of California.

According to the Proposed Remedial Order the Eugene's Chevron Service violation resulted in $3,053.37 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Gary Energy Corporation, Denver, Colorado; BRO-1344, motor gasoline

On December 15, 1980, Gary Energy Corporation, Denver, Colorado filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on November 12, 1980. In the Proposed Remedial Order the Rocky Mountain District found that during September 1, 1973 to March 31, 1977 Gary Energy Corporation sold condensate at prices in violation of 10 CFR, Part 212, Subpart D.

According to the Proposed Remedial Order the Gary Energy Corporation violation resulted in $270,050.38 of overcharges.

Howard De Roven Shell, Walnut Creek, California; BRO-1348, motor gasoline

On December 15, 1980, Howard De Roven Shell, 2900 North Main Street, Walnut Creek, California 94596 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during December 15, 1979 to June 10, 1980, Howard De Roven Shell committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Howard De Roven Shell violation resulted in $9,179.89 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Jerry Bullard Chevron, Sacramento, California; BRO-1349, motor gasoline

On December 15, 1980, Jerry Bullard Chevron, 3300 Bradshaw Road, Sacramento, California 95827 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to August 21, 1980, Jerry Bullard Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Jerry Bullard Chevron violation resulted in $40,723.79 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Jim's Texaco, San Ramon, California; BRO-1350, motor gasoline

On December 15, 1980, Jim's Texaco, 9499 Alcosta Road, San Ramon, California 94583 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during December 15, 1979 to June 10, 1980, Jim's Texaco committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Jim's Texaco violation resulted in $1,620 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Kim's Mobil, Oakland, California, BRO-1351, motor gasoline

On December 15, 1980, Kim's Mobil, 3101 98th Avenue, Oakland, California 94605 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to April 10, 1980, Kim's Mobil committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Kim's Mobil violation resulted in $5,843.78 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Nelson's Service Center, Inc., San Ramon, California; BRO-1532, motor gasoline

On December 15, 1980, Nelson's Service Center, Inc., 2247 Crow Canyon Road, San Ramon, California 94583 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to April 11, 1980, Nelson's Service Center, Inc. committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Nelson's Service Center, Inc. violation resulted in $24,642.60 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Pacific Manor Shell, Pacifica, California; BRO-1353, motor gasoline

On December 15, 1980, Pacific Manor Shell, Aura Vista and Palmetto, Pacifica, California 94044 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In

the Proposed Remedial Order the Western District found that during August 1, 1979 to March 21, 1980, Pacific Manor Shell committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Pacific Manor Shell violation resulted in $5,143.23 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Paul Provost Chevron, Salinas, California; BRO-1354, motor gasoline

On December 25, 1980, Paul Provost Chevron, 151 N. Kern, Salinas, California 93901 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to January 31, 1980, Paul Provost Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Paul Provost Chevron violation resulted in $6,775.30 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Sherwood Garden Chevron, Salinas, California; BRO-1355 motor gasoline

On December 15, 1980, Sherwood Garden Chevron, 987 N. Main, Salinas, California 93906 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to January 30, 1980, Sherwood Garden Chevron committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Sherwood Garden Chevron violation resulted in $14,506.83 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Union Park Service, Milpitos, California; BRO-1356 motor gasoline

On December 15, 1980, Union Park Service, 27 South Park Victoria, Milpitos, California 95035 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on November 28, 1980. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 8, 1979, Union Park Service committed pricing violations in the sale of motor gasoline in the State of California.

According to the Proposed Remedial Order the Union Park Service violation resulted in $13,277.93 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 4472 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of December 22 Through December 26, 1980

During the week of December 22 through December 26, 1980, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 within 20 days after publication of this Notice. The Office of hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 3, 1981.

French Creek Marina, Clayton, New York; BRO-1358, Motor Gasoline

On December 22, 1980, French Marina, Clayton, New York 13624 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on November 24, 1980. In the Proposed Remedial Order the Northeast District found that during July 1, 1980 to September 30, 1980, French Creek Marina committed pricing violations in the sale of motor gasoline in the State of New York.

According to the Proposed Remedial Order the French Creek Marina violation resulted in $870.00 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Sun & Ski Marina, Pontiac, Michigan, BRO-1359, Motor Gasoline

On December 22, 1980, Sun & Ski Marina, 3981 Cass Elizabeth Lake Road, Pontiac, Michigan 48054 filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District of Enforcement issued to the firm on July 31, 1980. In the Proposed Remedial Order the Central District found that during April 1, 1980 to May 9, 1980, Sun & Ski Marina committed pricing violations in the sale of motor gasoline in the State of Michigan.

According to the Proposed Remedial Order the Sun & Ski Marina violation resulted in $221.45 of overcharges. This Notice of Objection has been transferred to the Central Regional Center of the office of Hearings and Appeals for analysis.

[FR Doc. 81-4473 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of contractual arrangements for supply of the following materials:

Contract No. S-EU-681, to the United Kingdom Atomic Energy Authority, 2 grams of Plutonium-242, to be used as standards for mass discrimination and isotope dilution mass spectrometry.

Contract No. S-CA-303, to McGill University, Canada, 2 grams of uranium, enriched to 93% in U/235, to be used for studies on the charge distribution in nuclear fission by medium energy protons.

Contract No. S-CA-304, to McGill University, Canada, 2 grams of uranium, enriched to greater than 99% in U-235, to be used for studies on the charge distribution in nuclear fission by medium energy protons.

Contract No. S-CA-305, to Atomic Energy of Canada, Ltd., 100 milligrams of Uranium-234, to be used in waste management studies of the dissolution of uranium oxide fuels.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 3, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-4467 Filed 2-6-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

Ashton Bancorporation, Inc.; Formation of Bank Holding Company

Ashton Bancorporation, Inc., Ashton, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Ashton Bank and Trust Company, Ashton, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4474 Filed 2-6-81; 8:45 am]

BILLING CODE 6210-01-M

Gray Bancorp.; Formation of Bank Holding Company

Gray Bancorp., Coleridge, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Coleridge National Bank, Coleridge, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4540 Filed 2-6-81; 8:45 am]

BILLING CODE 6210-01-M

The Hongkong and Shanghai Banking Corp.; Proposed Acquisition of Marmid Life Insurance Company

The Hongkong and Shanghai Banking Corporation, Hong Kong, B.C.C., Kellett, N.V., Curacao, Netherlands Antilles, HSBC Holdings, B.V., Amsterdam, The Netherlands, and Marine Midland Banks, Inc., Buffalo, New York, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Marmid Life Insurance Company, Phoenix, Arizona.

Applicants state that the proposed subsidiary would underwrite, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Marine Midland Bank, N.M., Buffalo, New York. This activity would be performed from an office of Applicant's subsidiary in Phoenix, Arizona, and the geographic areas to be served are New York and Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 5, 1981.

Board of Governors of the Federal Reserve System, February 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4542 Filed 2-6-81; 8:45 am]

BILLING CODE 6210-01-M

LaFarge Bancorp. Inc.; Formation of Bank Holding Company

LaFarge Bancorp. Inc., LaFarge, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84 percent of the voting shares of LaFarge State Bank, LaFarge, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4541 Filed 2-6-81; 8:45 am]

BILLING CODE 6210-01-M

St. Johns Bancshares, Inc.; Formation of Bank Holding Company

St. Johns Bancshares, Inc., St. John, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of St. Johns Bank and Trust Company, St. John, Missouri. The factors that are

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4539 Filed 2-6-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipts of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 30, 1981 (FTC), and February 2, 1981 (FTC, ICC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 27, 1981, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests clearance of a new, single time, voluntary mail survey which will be sent to Market Facts Inc. mail panel members identified by a previous prescreening questionnaire as having had recent eye examinations. The survey will be used to measure consumer experience with receipt of prescriptions after eye examinations and to develop information to assist the Commission in making policy decisions related to regulation of ophthalmic goods and services. The FTC estimates that respondents will number approximately 1,500 and that reporting burden will average 6 minutes per response.

The FTC requests clearance of a new, single time, voluntary mail survey which will be sent to mail panel members of Market Facts Inc. The results of the survey will be used to develop information to assist the Commission in making policy decisions related to regulation of the funeral home industry. The survey questionnaire will measure respondent experience with purchasing funeral services. The FTC estimates respondents will number approximately 1500 and that time required to fill out a questionnaire will average 20 minutes.

Interstate Commerce Commission

The ICC requests clearance of four new, single time, voluntary questionaires which will be used to gather information about the manner in which truth-in-leasing measures adopted by the Commission as well as the Motor Carrier Act of 1980 have affected owner-operator truck drivers. Those owner-operators included in the sample will complete one of the four questionnaires depending upon both their previous status as either a permanent or trip lease owner-operator and their current status in the industry. The questionnaire will cover the specific changes enacted by the leasing rule modifications and the Motor Carrier Act as well as their impact on the owner-operators. Owner-operators in the permanent lease sample will be asked to answer one of two questionnaires depending on whether they were or were not under permanent lease to an ICC carrier as of December 31, 1980. Owner-operators in the trip lease sample will be asked to answer one of two questionnaires based on whether they were or were not owner-operators on December 31, 1980. The ICC estimates that respondents who were not permanent lease owner-operators will number approximately 40 and that time to complete their questionnaire will average 15 mintues; owner operators who were permanent lease on December 31, 1980 will number approximately 235 and time to complete their questionnaire will average 35 minutes; owner-operators in the trip lease sample who were not owner-operators as of December 31, 1980 will number approximately 20 and time to fill out their questionnaire will average 15 minutes; and owner-operators who were still owner-operators on December 31, 1980 will number approximately 100 and time to fill out their questionnaire will average 35 minutes.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-4367 Filed 2-6-81; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 132]

Public Service Company of New Mexico, the Federal Energy Regulatory Commission; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Federal Energy Regulatory Commission concerning the application of the Public Service Company of New Mexico for an increase in electric rates. GSA represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Transportation and Public Utilities Division, General Services Administration, 425 I Street, N.W., Room 3001, Washington, D.C. (mailing address: General Services Administration (I.T), Chester A. Arthur Building, Washington, D.C. 20406), 202-275-6101, on or before March 26, 1991, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: February 2, 1981.

Ray Kline,

Acting Administrator.

[FR Doc. 81-4537 Filed 2-6-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Advisory Committee Meeting; Cancellation

In **Federal Register** Document 81-3527 appearing at page 10015-10016 in the issue of Friday, January 30, 1981, the February 25-27, 1981 meeting of the "Maternal and Child Health Research Grants Review Committee" has been cancelled.

Dated: February 3, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81-4457 Filed 2-6-81; 8:45 am]

BILLING CODE 4110-84-M

Public Health Service

Privacy Act of 1974; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Waiver of advance notice period for a new system of records.

SUMMARY: **Federal Register** document 80-38677, appearing at page 82359 in the issue for Monday, December 15, 1980, provided notification of a new system of records proposed by the Alcohol, Drug Abuse, and Mental Health Administration. That system is 09-30-0034, "Professional Development Program Registries of the National Training System for Substance Abuse Services," HHS/ADAMHA/NIDA. The document stated that the Public Health Service (PHS) had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress.

OMB granted the requested waiver on January 12, 1981.

Accordingly, system of records number 09-30-0034 became effective upon the date of the waiver.

Jack N. Markowitz,

Acting Director, Office of Management.

February 3, 1981.

[FR Doc. 81-4534 Filed 2-6-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF THE INTERIOR

National Park Service

Rio Grande Wild and Scenic River, Brewster and Terrell Counties Texas; Availability and Public Meetings, Environmental Assessment/General Management Plan and Draft Land Acquisition Plan

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared an Environmental Assessment/General Management Plan and a Draft Land Acquisition Plan for Rio Grande Wild and Scenic River, Brewster and Terrell Counties, Texas.

The Environmental Assessment/General Management Plan outlines alternative management strategies to ensure all reasonable ways of achieving the intent of Congress and the management objectives of Rio Grande Wild and Scenic River have been considered and that the positive and negative impacts of each strategy have been identified and analyzed. The Draft Land Acquisistion Plan details land acquisition procedures and strategies to assure the protection of natural, Scenic, cultural, and recreational resources and provide for visitor use.

Copies of the Environmental Assessment/General Management Plan and Draft Land Acquisition Plan are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501

Rio Grande Wild and Scenic River, Holland Hotel Building, Room 210, Post Office Box 1207, Alpine, Texas 79830

Public Meetings are scheduled for March 2, in Alpine and Sanderson, Texas; March 3, in San Antonio, Texas; March 4, in Austin, Texas; March 5, in Houston, Texas; and March 6, in Dallas, Texas. Workbooks will be available at the public meetings or upon request. The actual times and locations of the public meetings are not available at the time of publication of this notice. Please write the Project Manager at Rio Grande Wild and Scenic River at the above address, or telephone (915) 837-3429 for further information.

Anyone wishing to provide comments on the Environmental Assessment/General Management Plan and the Draft Land Acquisition Plan should provide them to the Project Manager, Rio Grande Wild and Scenic River, at the address provided above, by March 9, 1981.

Dated: January 30, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-4543 Filed 2-6-81; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: February 27, 1981, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764, (914/252-3947).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95-625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River at the above address.

Dated: January 27, 1981.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 81-4544 Filed 2-6-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29560]

Chicago, Madison & Northern Railway Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901, Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission temporarily exempts the Chicago, Madison and Northern Railway Company (CM&N) from the requirement that it receive approval under 49 U.S.C. § 10901 prior to performing operations over a 59-mile segment of track between Freeport, IL, and Madison, WI. The track is owned by the Wisconsin Department of Transportation (WIDOT), which has leased it to the South Central Wisconsin Transportation Commission (SCWTC).

DATES: The exemption is effective at 12:01 a.m., February 3, 1981, and remains effective until the Commission issues a decision on CM&N's pending application for permanent authority. Petitions for reconsideration of this decision must be filed on or before March 2, 1981.

ADDRESSES: Send petitions for reconsideration to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street and Constitution Ave., NW, Washington, DC 20423; and

(2) Petitioner's Representatives: Francis G. McKenna, 1000 16th St. NW, Washington, DC 20036.

Pleadings should be referred to Finance Docket No. 29560.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Background

In Docket No. AB-43 (Sub-No. 28F), *Illinois Central Gulf Railroad Company—Abandonment—Between Freeport, IL and Madison, WI* (not printed), decided December 18, 1980, as supplemented January 12, 1981 and January 27, 1981, the Commission authorized Illinois Central Gulf Railroad Company (ICG) to abandon its line of rail between Freeport, IL and Madison, WI (a distance of 59 miles), effective February 12, 1981. WIDOT has purchased the right-of-way of this line and leased it, for a 10-year period with renewal option, to SCWTC, which will own the tracks and track materials. CM&N has entered into a lease agreement with SCWTC to operate the line.

On January 14, 1981, CM&N filed a request for temporary authority to operate the line, pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. No. 96-254, 45 U.S.C. § 1017 (1980) (RITEA). On the same date, CM&N also filed an application under 49 U.S.C. § 10901 for permanent authority to operate over the line.[1] To avoid a disruption in service, CM&N requests that it be allowed to operate over the track until the Commission issues a decision on its Section 10901 application.

Service will be provided for 37 shippers who shipped approximately 1,000 cars over the line in 1980. A discontinuance of service will adversely affect the employment of more than 200 persons directly, and many more indirectly. The area served by the line is predominantly agricultural.

Discussion and Conclusions

Temporary operations under section 122 of the RITEA are available only for a line of either the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) or the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee). Since CM&N proposes to operate over an abandoned ICG line, section 122 does not apply.

A rail carrier can operate a line of railroad only if it has been granted a service order under 49 U.S.C. § 11123(a) or certificate under 49 U.S.C. § 10901. The Staggers Rail Act of 1980 (Pub. L. No. 96-448, October 14, 1980) limits our authority to issue service orders under 49 U.S.C. § 11123(a) to emergency situations of such magnitude as to have substantial adverse affects on rail service in the United States or a substantial region of the United States. It appears that CM&N's request would fail to meet the new criteria of the Staggers Act for issuance of a emergency service order.

Although CM&N has filed a section 10901 application for permanent authority to operate over the WIDOT and SCWTC track, it will be some time before such application can be acted upon. Therefore, we cannot order or affirmatively authorize CM&N to perform uninterrupted operations over the track.

However, Congress has given us authority under 49 U.S.C. § 10505 to exempt certain rail matters as a means of eliminating burdensome regulation of rail carriers. That section provides that the Commission "shall" exempt a transaction when it finds that: (1) regulation is not necessary to carry out the Rail Transportation Policy in 49 U.S.C. § 10101a; and (2) either (A) the transaction is of limited scope or (B) regulation is not necessary to protect shippers from the abuse of market power.[2] Moreover, we can issue the exemption on our own initiative. 49 U.S.C. § 10505(b). We shall therefore treat CM&N's request for temporary authority under Section 122 of the RITEA as a request for temporary exemption under 49 U.S.C. § 10505 from the requirements of obtaining a certificate under 49 U.S.C. § 10901 prior to commencing operations over the line.[3]

We believe this proposal satisfies the criteria of 49 U.S.C. § 10505. Exempting CM&N from the requirements of 49 U.S.C. § 10901 for a short time period will merely continue service on the line until we can consider CM&N's application for permanent authority to provide such service. Our approval prior to CM&N's operation over the small segment of WIDOT and SCWTC track is not necessary to carry out the objectives listed in the Rail Transportation Policy of section 10101a. Indeed, it will be consistent with those objectives. This decision will help ensure that regulatory lag does not cause an interruption in service to the public, while permanent authority is being sought. It will also reduce regulatory barriers to entry into the industry.

The Transaction is of limited scope because (1) it involves only a short segment of track, (2) it is of limited duration, and (3) it would have no significant impact on railroad employees or the operations of any other rail carrier.

Having concluded that the transaction is of limited scope, we need not determine whether prior approval of rail operations is necessary to protect shippers from the abuse of market power. We note, however, that since the temporary exemption granted here will merely allow a continuation of service by substituting a small railroad for a Class I railroad, it is unlikely that it would have any adverse impact on shippers. On the other hand, our failure

[1] To obtain a certificate of public convenience and necessity under Section 10901, an application must be filed in compliance with the procedures established in *Construction, Extension, Acquisition or Operations of Railroad Lines*, 49 C.F.R. Part 1120 (1979).

[2] The section creates two limitations on our broad exemption power. We may not exercise this exemption authority "(1) to authorize intermodal ownership that is otherwise prohibited by this title, or (2) to relieve a carrier of its obligation to protect the interests of employees as required by this subtitle". 49 U.S.C. § 10505(g).

[3] Under Rule 2 of our Rules of Practice (49 CFR 1100.2), we will construe our rules liberally to secure just, speedy, and inexpensive determination of the issues presented.

to grant the exemption would result in a cessation of rail service upon which shippers have come to rely. This could be detrimental to their business operations as well as the economy of the area.

In light of these findings we are able to exempt this transaction. To avoid any disruption in service, this exemption will become effective on February 1981. Our exemption authority provides us with the power to limit the duration of our exemptions. 49 U.S.C. § 10505(c). Accordingly, this exemption is effective until final action on CM&N's application for permanent authority.

Section 10505 enables us to revoke an exemption if we find that regulation of the transaction is necessary to carry out the Rail Transportation Policy. We have found otherwise on the facts currently available to us. However, we will permit interested parties to file petitions for reconsideration alleging that the exemption harms our ability to carry out the Rail Transportation Policy. Petitions for reconsideration must be filed on or before March 2, 1981.

The action we are taking here follows the precedent established in Finance Docket No. 29549, *Louisiana & Arkansas Railway Company—Exemption under 49 U.S.C. § 10505 from 49 U.S.C. § 10901 and 49 U.S.C. § 11343(a)* (not printed), decided December 30, 1980, and Finance Docket No. 29408F (Sub-1), *TransKentucky Transportation Railroad, Inc.—Exemption under 49 U.S.C. § 10505 from 49 U.S.C. § 10901* (not printed), decided December 23, 1980.

Labor protection In granting this exemption we may not relieve a carrier of its obligation to protect the interests of employees. As amended by the Staggers Act, 49 U.S.C. § 10901(e) indicates that the imposition of labor protective conditions is discretionary when authority is sought to construct and operate a new railroad line. Since no obligation exists, CM&N has not been relieved of any obligation by this temporary exemption. Additionally, ICG's employees have been protected in the abandonment proceeding.

We find

(1) Application of the requirements of 49 U.S.C. § 10901 that CM&N receive prior authority to operate over the WIDOT and SCWTC rail line (previously abandoned by ICG) between Freeport, IL and Madison, WI, a total of 59 miles, is not necessary to carry out the transportation policy of 49 U.S.C. § 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to relieve CM&N from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. § 11707, or (b) to protect the interest of its employees; and does not authorize intermodal ownership that is otherwise prohibited.

(4) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered

(1) Pursuant to 49 U.S.C. § 10505 we exempt the operation by CM&N over the WIDOT and SCWTC rail line between Freeport, WI, and Madison, WI, from 49 U.S.C. § 10901.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(3) This exemption will continue in effect until we issue a final decision under 49 U.S.C. § 10901 granting or denying CM&N's application for authority to operate this rail line.

(4) This decision shall be effective at 12:01 a.m., February 3, 1981.

(5) Petitions to reopen this proceeding for reconsideration must be filed on or before March 2, 1981.

Decided: January 29, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham and Trantum.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4481 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349. These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or

the application of a non-complying applicant shall stand denied.

Decided: February 2, 1981.

By the Commission, Review Board Number 5, members Krock, Taylor, and Williams. (In MC F-14554F, member Taylor voted to publish with an impediment as to duplicating authority.)

MC-F-14547F, filed January 9, 1981. B & P MOTOR EXPRESS CO. (B&P) (825 W. Federal Street, Youngstown, OH 44501)—PURCHASE—HIGHWAY EXPRESS CO., DEBTOR IN POSSESSION (Highway) (c/o Louis P. Rosenberg, 16 Court St., Brooklyn, NY 11241). Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. B&P seeks authority to purchase the interstate operating rights of Highway. W. F. W. Company, a non-carrier and sole stockholder of B&P, and, in turn, William F. Wolff, Sr., William F. Wolff, Jr., and Richard A. Wolff, majority stockholders and persons in control of W. F. W. Company, seek to acquire control of said rights through the transaction. B&P is purchasing Highway's authority issued in Certificate No. MC-56159, which authorizes the transportation, as a motor common carrier, over regular routes, of *general commodities* (usual exceptions), between Boston, MA, and New York, NY: (a) From Boston over US Hwy 1 via Providence, RI, and New Haven and New London, CT, to New York (also from Providence, over RI Hwy 3 to junction RI Hwy 84, then over RI Hwy 84 to the RI-CT State line, then over CT Hwy 84 to New London, CT), and then to NY as specified above, and (b) from Boston over MA Hwy 9 to Worcester, MA, then over MA Hwy 12 to junction US Hwy 20 (also from Boston over US Hwy 20 to junction MA Hwy 12) then over US Hwy 20 to Springfield, MA, then over US Hwy 5 to New Haven, CT (also from junction MA Hwy 15 and U.S. Hwy 20 near Fiskdale, MA, then over MA Hwy 15 to the MA-CT State line, then over CT Hwy 15 to New Haven), and then to New York as specified above, and return over the above-specified routes to Boston, service is authorized to and from all intermediate points, and the off-route points within 25 miles of Boston, those in the New York, NY Commercial Zone, as defined by the Commission in 1 M.C.C. 665, Paterson and Newark, NJ, and points in NJ within 15 miles of Newark except those in the New York, NY Commercial Zone, and Clinton, Fall River, Fitchburg, Gardner, Gloucester, Haverhill, Lawrence, Lowell, Milford, New Bedford, Newburyport, Plymouth, and Taunton, MA, and Woonsocket, RI. B&P is not a permanently authorized carrier but is operating under temporary lease, pursuant to authorization in MC-F-14378F, the rights formerly operated by B&P Motor Express, Inc., in Docket No. MC-1936 and sub-numbers thereunder, which authorize the transportation of general commodities and also specified commodities over a combination of regular and irregular routes, embracing points in NJ, PA, DE, MD, WV, KY, OH, MI, IN, IL, and WI. B&P is also affiliated with The Youngstown Cartage Co., a motor common carrier operating under certificates issued in MC-8958 and sub-numbers thereunder which authorize the transportation of specified commodities in the northeastern part of the United States. Condition: So far as can be ascertained from the evidence of record, B&P's parent company is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, W.F.W. Company shall be considered a motor carrier within the meaning of Subtitle IV of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. Impediment: Duplications exist between the operating rights sought to be purchased by B&P and those rights currently held by its affiliate, the Youngstown Cartage Co. In order to comply with the Commission's regulations at 49 CFR 1134.51, applicants must submit a plan for the elimination of such duplications or cogent and acceptable reasons why such duplications should be allowed to continue.

Note.—Application for temporary authority has been filed

MC-F-14554F, filed January 13, 1981. McLEAN TRUCKING COMPANY (McLean) (P.O. Box 213, Winston-Salem, NC 27102)—CONTINUANCE IN CONTROL—SALEM CONTRACT CARRIER, INC., (Salem) (P.O. Box 26945, Charlotte, NC 28213) and PRIDE CARGO CARRIERS, INC., (Pride) (1920 West First St., Winston-Salem, NC 27104). Representative: Francis W. McInerny, Suite 502, 1000 16 Street, N.W., Washington, DC 20036. McLean seeks to continue in control of Salem and Pride upon the institution by Pride of operations, in interstate or foreign commerce, as a motor common carrier. McLean is not controlled by any one person or affiliated group. McLean, a common carrier, by motor vehicle, pursuant to certificates issued in MC-31389 and sub-numbers thereunder. By permit issued September 15, 1980 in MC-147881, Salem was granted authority to operate as a contract carrier transporting *such commodities* as are dealt in or used by chain department and food stores, between points in the United States (except AK and HI), under continuing contract(s) with K Mart Corporation. By application published October 7, 1980, Pride seeks authority to transport *general commodities* (except class A and B explosives) between points in the United States.

Note.—Salem should be cautioned not to begin operations in MC-147881, until common control has been approved.

MC-F-14550F, filed January 13, 1981. STAN SPENCER, an Individual (Spencer)—CONTINUANCE IN CONTROL—D. IRVIN TRANSPORT LIMITED (Irvin) (Box 8, Station T, Calgary, Alberta, Canada T2H 2G7). Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Spencer seeks authority to continue in control of Irvin upon the institution by Irvin of operations in interstate or foreign commerce as a motor common carrier. Spencer currently controls Trochu Trucking Services, Ltd., a motor common carrier pursuant to authority issued in MC-140656 and a motor contract carrier pursuant to authority issued in MC-143268. Irvin has been granted authority to operate as a motor common carrier in MC-145579 (Sub-Nos. 10F and 11F), which authorize the transportation of (1) *drilling mud, drilling mud additives, oil field chemicals, lost circulation materials, polymers, and oil well sealing fiber*, from points in the United States, including AK, but excluding HI, to ports of entry on the International Boundary Line between the United States and Canada, in foreign commerce only; (2) *materials and supplies* used in the construction and maintenance of oil and gas wells and pipelines (except pipe), from ports of entry located on the International Boundary Line between the United States and Canada in ND, MT, ID, WA, and AK, to points in the United States, in foreign commerce only; and (3) *farm machinery* and *parts and attachments* for farm machinery, and *materials and supplies* used in the manufacture of farm machinery, between ports of entry on the International Boundary Line between the United States and Canada at points in MN, ND, MT, ID, and WA, on the one hand, and, on the other, points in the

United States (except AK and HI), in foreign commerce only.

Note.—Irvin is cautioned not to begin operations under MC-145579 (Sub-Nos. 10F and 11F) until common control has been approved.

MC-F-14548F, filed January 12, 1981. M & S TRANSFER, INC. (M & S) (340 3rd Street, David City, NE 68632)—PURCHASE(PORTION)—GRAND ISLAND MOVING & STORAGE CO., INC. (Grand) (P.O. Box 2122, Grand Island, NE 68801) (YUMA COUNTY TRANSPORTATION, CO.—ASSIGNOR). Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. M & S seeks to purchase a portion of the operating rights of Grand. Marvin Mick, who controls M & S through stock ownership, seeks to acquire control of the rights through the transaction. M & S is purchasing that portion of Grand Island's operating rights issued in MC-F-13849, which authorizes the transportation, as a motor common carrier, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Hamilton County, NE, west of NE Hwy 14, on the one hand, and, on the other, points in the part of NE east of NE Hwy 61 (except Omaha), points on U.S. Hwy 30 between Omaha and Grand Island, and points in Sherman, Valley, Howard, and Custer Counties, NE. Restriction: The operations authorized herein are restricted to the performance of service solely within Nebraska. M & S is authorized to operate as a motor common carrier pursuant to certificates issued in MC-4709 and sub-numbers thereunder. Condition: We will condition our approval of the instant transaction upon the deletion of the rights sought to be purchased here by M & S Transfer, Inc. from the operating rights which had been authorized to be purchased by Yuma County Transportation Co. in MC-F-14414.

Notes.—(1) An application for temporary authority has been filed. (2) In MC-F-14414F, Yuma County Transportation Co. is purchasing a portion of the interstate operating rights of Grand Island Moving & Storage Co., Inc. In MC-F-14548F, Yuma County Transportation, Co., has assigned a portion of said rights to Grand Island Moving & Storage Co., Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4465 Filed 2-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29538]

Detroit, Toledo and Ironton Railroad—Abandonment and Acquisition of Trackage Rights Over the Baltimore and Ohio Railroad Company; Exemption

February 3, 1981.

On December 8, 1980, the Detroit, Toledo and Ironton Railroad Company (DT&I) filed a petition for exemption of a relocation project under 49 U.S.C. 10505. DT&I's petition shall be treated as a notice of exemption under 49 CFR 1111.4(g) and 1111.5(c)(5), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224 and 226 (1980), 45 *FR* 6299 (September 23, 1980). It is Commission policy to construe its regulations liberally to secure just, speedy, and inexpensive determination of the issues presented. 49 CFR 1100.2.

DT&I and the Baltimore and Ohio Railroad Company (B&O) operate parallel trackage in the City of Washington, Washington Court House, Fayette County, OH from Fayne (approximately 3.5 miles north of Washington Court House) down the middle of Water Street until they cross and separate at Point Creek just south of the Court House Crossing (all in Washington Court House, OH). DT&I will abandon 3.4 miles of the trackage which runs parallel to the B&O line, remove the tracks and relocate its operations to the B&O line. DT&I and B&O have entered into an agreement by which DT&I will pay $100,000 for its 50 percent share of B&O track and signal work. DT&I will also pay trackage use rentals to B&O of $33,700.00 per year based on normal traffic levels. This action is being undertaken at the request of the city.

This is a joint project involving the relocation of a line which is considered exempt since the relocation does not interrupt service to shippers (49 CFR 1111.5(c)(5)). The entire relocation project proposed here is eligible for this exemption. Consummation may occur upon publication of this notice.

Under 49 U.S.C. 10505, as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448 (1980), the Commission cannot exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. DT&I has agreed to protect its employees as required in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). DT&I's failure to comply with these requirements may be grounds to revoke the exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4484 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs; Decision

Decided: February 3, 1981.

In our decision January 27, 1981, a 16.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload is 17.3-percent. Accordingly, we are authorizing that the surcharge for this traffic be increased to 17.0-percent. All owner-operators are to receive compensation at this level.

The authorized surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators is increased to 3.0-percent, that for the bus carriers to 6.4 percent, and that for United Parcel Service to 1.9-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governors of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office, of the **Federal Register** for publication therein.

IT IS ORDERED:

This decision shall become effective Friday 12:01 a.m., February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

February 2, 1981.

Appendix.—*Fuel Surcharge*

Based date and price per gallon (including tax)	
Jan. 1, 1979	63.5 cents
Date of Current Price Measurement and Price Per Gallon (Including Tax)	
Feb. 2, 1979	612E.4 cents

	Transportation performed by—			
	Owner-Operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.3	3.0	6.4	[3] 2.7
Percent surcharge allowed	17.0	3.0	6.4	[4] 1.9

[1] Apply to all other truckload rated traffic.
[2] Including less-than-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel related increases already included in UPS rates.

[FR Doc. 81-4482 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

[Volume No. OP3-149]

Decided: January 22, 1981.

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.

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.gs., unresolved common control; fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before March 26, 1981 (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 notice that the decision-notice is effective. 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.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

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".

MC 1924 (Sub-18), filed January 13, 1981. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., P.O. Box 3383 Terminal Annex, Spokane, WA 99220. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting *general commodities* (except classes A and B explosives), between points in ID, MT, OR, and WA.

MC 2304 (Sub-43), filed January 13, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 44127. Transporting *metal products,* between points in Middlesex County, NJ, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, VA, WV, and DC.

MC 98025 (Sub-2), filed January 2, 1981. Applicant: LINCOLN TRANSFER COMPANY, INC., 305 S. Main St., Lincoln, IL 62656. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *general commodities* (except classes A and B explosives), (I) over regular routes, (A)(1) between Decatur, IL and Springfield, IL, over U.S. Hwy 36; (2) between Decatur, IL and Bloomington, IL, over U.S. Hwy 51; (3) between Decatur, IL and Peoria, IL: from Decatur over IL Hwy 121 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Peoria and return over the same route; (4) between Bloomington, IL and Springfield, IL, over Interstate Hwy 55; (5) between Springfield, IL and Jacksonville, IL, over U.S. Hwy 36; (6) between Peoria, IL and Springfield, IL, over IL Hwy 29; (7) between Peoria, IL and Bloomington, IL, over Interstate Hwy 74; serving in (A) above points in Woodford, Piatt, Mason, McLean, Fulton, DeWitt, Cass, Moultrie, Shelby, Christian, Sangamon, Menard, Morgan, Macon, Logan, Tazewell and Peoria Counties, IL as off-route points; (B)(1) between Lincoln, IL and Moline, IL: from Lincoln over IL Hwy 121 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Moline, and return over the same route; (2) between Lincoln, IL and Hamilton, IL: from Lincoln over IL Hwy 121 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Hamilton, and return over the same route; (3) between Havana, IL and Quincy, IL: from Havana over U.S. Hwy 136 to junction U.S. Hwy 24, then over U.S. Hwy 24 to Quincy and return over the same route; (4) between Macomb, IL and Rock Island, IL, over U.S. Hwy 67; (5) between Lincoln, IL and South Beloit, IL: from Lincoln over Interstate Hwy 55 to Bloomington, then over U.S. Hwy 51 to South Beloit; (6) between Peoria, IL and Rockford, IL: from Peoria over IL Hwy 88 to junction IL Hwy 2, then over IL Hwy 2 to Rockford, and return over the same route; (7) between Bloomington, IL and East Dubuque, IL: from Bloomington over U.S. Hwy 51 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction IL Hwy 84, then over IL Hwy 84 to junction U.S. Hwy 20, then over U.S. Hwy 20 to East Dubuque, and return over the same route; (8) between Rockford, IL and East Dubuque, IL, over U.S. Hwy 20; (9) between Lincoln, IL and Chicago Heights, IL: (a) from Lincoln over Interstate Hwy 55 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Chicago Heights, and return over the same route; and (b) from Lincoln over IL Hwy 10 to junction Interstate Hwy 57 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Chicago Heights, and return over the same route; (10) between Lincoln, IL and Danville, IL: from Lincoln over IL Hwy 10 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Danville, and return over the same route; (11) between Lincoln, IL and East St. Louis, IL, (a) over Interstate Hwy 55, and (b) from Lincoln over Interstate Hwy 55 to Springfield, then over U.S. Hwy 36 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Alton, then over Alternate U.S. Hwy 67 to East St. Louis, and return

over the same route; (12) between Lincoln, IL and Cairo, IL: (a) from Lincoln over IL Hwy 121 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Cairo, and return over the same route; and (b) from Lincoln over IL Hwy 121 to U.S. Hwy 45, then over U.S. Hwy 45 to junction Interstate Hwy 57, then over Interstate Hwy 57 to Cairo, and return over the same route; and (13) between Lincoln, IL and Brookport, IL: from Lincoln over IL Hwy 121 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Bookport, and return over the same route; (C)(1) between Chicago Heights, IL and Waukegan IL: from Chicago Heights over U.S. Hwy 30 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction IL Hwy 120, then over U.S. Hwy 120 to Wankegan, and return over the same route; (2) between Chicago, IL and Fox Lake, IL, over U.S. Hwy 12; (3) between Chicago, IL and Barrington, IL, over U.S. Hwy 14; (4) between Chicago, IL and Elgin, IL: from Chicago over IL Hwy 194 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Elgin and return over the same route; (5) between Chicago, IL and St. Charles, IL over IL Hwy 64; (6) between Chicago, IL and Aurora, IL: From Chicago over Interstate Hwy 90 to junction IL Hwy 5, then over IL Hwy 5 to Aurora, and return over the same route; (7) between Chicago Heights, IL and Elgin, IL: from Chicago Heights over U.S. Hwy 30 to junction IL Hwy 31, then over IL Hwy 31 to Elgin, and return over the same route; (8) between Chicago Heights, IL and Des Plaines, IL: from Chicago Heights over U.S. Hwy 30 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Des Plaines, and return over the same route; and (9) between Chicago Heights, IL and Kankakee, IL: from Chicago Heights over U.S. Hwy 30 to junction Interstate Hwy 57, then over Interstate Hwy 57 to Kankakee and return over the same route; serving in (C) above points in Lake, Cook, DuPage, Kane, Iroquois, Will, Grundy, Kankakee and Kendall Counties, IL as off-route points, and (II) over irregular points, (A) between points in Woodford, Piatt, Mason, McLean, Fulton, DeWitt, Cass, Moultrie, Shelby, Christian, Sangamon, Menard, Morgan, Macon, Logan, Tazwell and Peoria Counties, IL; and (B) between points in (II)(A) above, on the one hand, and, on the other, points in IL.

MC 106195 (Sub-29), filed January 13, 1981. Applicant: CLARK BROS. TRANSFER, INC., 900 N. First St., Norfolk, NE 68701. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114. Transporting *rubber and plastic products*, between points in Madison County, NE, on the one hand, and, on the other, points in IL, IN, IA, KS, NE, MN, MO, and SD.

MC 111375 (Sub-127), filed January 12, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant). Transporting *such commodities* as are dealt in by chain grocery and food business houses, between points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY.

Note.—Issuance of a certificate is conditioned upon prior or coincidental cancellation of Certificates MC 111375 (Sub-1) and subs thereunder, and E-letter notices thereunder, at applicant's written request.

MC 123255 (Sub-229), filed January 5, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1964 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). Transporting (1) *building materials*, (2) *clay, concrete, glass or stone products*, and (3) *ores and minerals*, between points in Huntington County, IN, 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 144115 (Sub-9), filed January 5, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., N.W., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *foods and related products*, between points in MN, WI, IA, NE, and SD, on the one hand, and, on the other, points in CA and CO.

MC 144505 (Sub-5), filed January 5, 1981. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting *outdoor cooking equipment and supplies*, between Mabank, TX, on the one hand, and, on the other, points in the U.S.

MC 146055 (Sub-14), filed January 5, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Transporting *meats, and packing house products*, between Sioux County, IA, on the one hand, and, on the other, points in OH and NY, and those in the U.S. in and west of MT, WY, CO, and NM.

MC 147954 (Sub-4), filed January 13, 1981. Applicant: CARRIERS CARTAGE CO., INC., P.O. Box 1021, Sebring, FL 33870. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801. Transporting *food and related products*, (a) between points in FL, and (b) between points in FL, on the one hand, and, on the other, points in the U.S.

MC 150395 (Sub-1), filed January 5, 1981. Applicant: JACKIE B. LOVETT TRUCKING CO., INC., Route 2, Waynesboro, GA 30830. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *fertilizer*, between Birmingham, AL on the one hand, and, on the other, points in GA.

MC 151204 (Sub-1), filed January 13, 1981. Applicant: 321 EQUIPMENT LEASING CO., a Corporation, 712 W. Airline Ave., Gastonia, NC 28052. Representative: Rebecca P. Dalton (same address as applicant), (704)-847-6961, Ext. 317. Transporting *textile mill products*, between points in MI, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MO, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 153194 (Sub-1), filed January 13, 1981. Applicant: BETTER-BRITE TRUCKING, INC., 519 Lande St., De Pere, WI 54115. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2849. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Better-Brite Plating, Inc., of De Pere, WI, and its subsidiaries. Condition: (1) Applicant shall conduct separately its for-hire carriage and other business operations, and (2) it shall maintain separate accounts and records for each operation.

MC 153525, filed January 5, 1981. Applicant: THE GEORGE RIMES TRUCKING COMPANY, INC., 404 Washington St., Chardon, OH 44024. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Ashtabula, Geauga, and Lake Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NJ, NY, OH, PA, and WV.

[FR Doc. 81-4072 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-028]

Permanent Authority Decisions; Decision-Notice

Decided: January 30, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before march 26, 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.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

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".

MC 148380 (Sub-4F), filed November 20, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. As a *broker*, to arrange for the transportation of *general commodities* (except household goods) between points in the U.S.

[FR Doc. 81-4570 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-229]

Permant Authority Decisions; Decision-Notice

Decided: February 3, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. 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. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that 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 properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed on or before March 26, 1981 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-Complying applicant shall stand denied.

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.

Dated: January 29, 1981.

By the Commission, Review Board No. 1, Carleton, Joyce, and Jones.

MC 153606, filed January 13, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Francis W. McInerny, 1000 16th St. NW.,

No. 502, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA. (Hearing site: Washington, D.C.)

Note.—This application is directly related to MC–F 14549 published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–4508 Filed 2–6–81; 8:45 am]

BILLING CODE 7035–01–M

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 same request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code,and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 26, 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. OPI–027

Decided: January 30, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 2900 (Sub-442), filed January 22, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities used by E. I. du Pont de Nemours & Co., Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 5881 (Sub-3F), filed December 11, 1980 and previously noticed in **Federal Register** issue of January 7, 1981. Applicant: UNDERFANGER MOVING & STORAGE, INC., 3601 West Mayflower Blvd., Springfield, IL 62707. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036. Transporting *household goods*, (1) between points in IL, MO, IN, IA, WI, and KY, and (2) between points in IL, MO, IN, IA, WI, and KY, on the one hand, and, on the other, points in CO, ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, MS, AL, TN, KY, IN, MI, OH, WV, VA, NC, SD, GA, FL, MA, RI, CT, NY, NJ, PA, DE, MD, and DC.

Note: This republication adds CO to the radial territory in part (2).

MC 10761 (Sub-285), filed January 22, 1981. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 2843 E. Paris Rd., SE., Grand Rapids, MI 49508. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), serving Baltimore, MD, Norfolk, VA, points in OH, NJ, NY, and PA, and those in Allegan, Berrien, Macomb, Monroe, Van Buren, and Washtenaw Counties, MI, and Lake County, IN, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 47171 (Sub-201), filed January 22, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *food and related products*, between the facilities used by Pomona Products Company, its divisions and subsidiaries, at those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 84450 (Sub-10), filed January 16, 1981. Applicant: S.R.T. MOTOR FREIGHT, INC., 1801 South Pennsylvania Ave., Morrisville, PA 19067. Representative: Stephen R. Tranovich (same address as applicant). Transporting *metal products*, between points in Philadelphia County, PA, on the one hand, and, on the other, points in the U.S.

MC 111941 (Sub-36), filed January 21, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Lakton, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *metal products*, between points in Lake and Porter Counties, IN, on the one hand, and, on the other, points in MO, WI, IA, KY, TN, MI, VA, WV, AL, MN, NE, KS, OK, AR, MS, GA, NC, and SC.

MC 114211 (Sub-498), filed January 22, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *tranportation equipment* between the facilities used by Minnesota Truck Center, Inc., its dealers, distributors, or customers, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 114211 (Sub-499), filed January 22, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Butler

County, IA, on the one hand, and, on the other, points in IN, MI, and OH.

MC 114211 (Sub-500), filed January 22, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). Transporting *machinery*, between points in the U.S.

MC 115651 (Sub-96), filed January 23, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *farm products*, between points in Iroquois County, IL, on the one hand, and, on the other, points in IN, OH, MI, and WI.

MC 117940 (Sub-389), filed January 22, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *waste or scrap materials* not identified by industry producing, between points in Du Page County, IL, on the one hand, and, on the other, points in the U.S.

MC 118610 (Sub-36), filed January 19, 1981. Applicant: GEORGE PARR TRUCKING SERVICE, INC., P.O. Box 1308, Owensboro, KY 42301. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in WA and OR, on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-290), filed January 19, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Transporting *clay, concrete, glass or stone products*, between the facilities used by Midland Glass Company, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121420 (Sub-23), filed January 21, 1981. Applicant: DART TRUCKING COMPANY, INC., 61 Railroad St., Canfield, OH 44406. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *coal and coal products*, between points in KY and WV, on the one hand, and, on the other, points in OH and IN.

MC 123091 (Sub-37), filed January 21, 1981. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *clay, concrete, glass or stone products*, between points in St. Lawrence County, NY, on the one hand, and, on the other, points in the U.S.

MC 123681 (Sub-38), filed January 19, 1981. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, OR 97203. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Transporting *hazardous materials*, between points in CA, ID, MT, NV, OR, UT, and WA. Condition: The certificate to be issued in this proceeding shall expire 5 years from its date of issue.

MC 124111 (Sub-67), filed January 23, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of confectioneries, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 128940 (Sub-43), filed January 23, 1981. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Exxon Chemical Americas, a Division of Exxon Chemical Co., a Division of Exxon Corporation, of Pottsville, PA.

MC 134820 (Sub-10), filed January 16, 1981. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave. S., P.O. Box 81025, Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Scott Paper Company of Philadelphia, PA.

MC 135070 (Sub-178), filed January 21, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between New Orleans, LA, on the one hand, and, on the other, points in the U.S.

MC 141440 (Sub-1), filed January 23, 1981. Applicant: LEONARD-WHERLEY MOVING SYSTEMS, INC., R.D. No. 22 Interchange Place, York, PA 17402. Representative: Michael L. Wherley (same address as applicant). Transporting *furniture and fixtures*, between points in York County, PA, Worcester County, MA, and Berkeley County, WV, on the one hand, and, on the other, points in the U.S.

MC 143280 (Sub-11), filed January 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a Corporation, 6834 Washington Ave. South, Eden Prairie, NM 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *machinery and appliances*, between points in Hennepin, Ramsey, and Goodhue Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 144030 (Sub-14), filed January 19, 1981. Applicant: DRUE CHRISMAN, INC., U.S. 50 West, P.O. Box 264, Lawrenceburg, IN 47025. Representative: Paul J. Snodgrass (same address as applicant). Transporting (1) *food and related products*, between points in Franklin County, KY, Coffee County, TN, Dearborn County, IN, Armstrong County, PA Baltimore County, MD, and Fresno County, CA, on the one hand, and, on the other, Denver, CO, Miami, Tampa, and Jacksonville, FL, Minneapolis, MN, Fargo, ND, Columbia, SC, Raleigh, NC, Atlanta, GA, New Orleans, LA, Richmond, VA, Memphis, Nashville, and Chattanooga, TN, Montgomery, AL, Chicago, IL, Milwaukee, WI, and points in Coffee County, TN, and Armstrong County, PA, and (2) *general commodities* (except classes A and B explosives), between Cincinnati, on the one hand, and, on the other, Chicago, IL.

MC 145301 (Sub-10), filed January 21, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. 431, Raritan Center, Edison, NJ 08814. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of telephone communication equipment, between points in Oklahoma County, OK, and Dallas County, 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 145441 (Sub-140), filed January 22, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130 North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *chemicals and related products*, and (2) *rubber and plastic products*, between the facilities of Reichhold Chemicals, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145950 (Sub-88), filed January 22, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Arthur W. Grimes (same

addreses as applicant). Transporting *chemicals and related products,* between Houston, TX, on the one hand, and, on the other, points in NJ, LA, CA, and IL.

MC 146071 (Sub-31), filed January 21, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products,* between Seward County, KS, on the one hand, and, on the other, points in AR, CT, DE, IA, IL, IN, MD, MN, MS, NE, NJ, NY, OH, PA, SD, and WI.

MC 150290 (Sub-3), filed January 21, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *textile mill products,* between points in Dillon and Spartanburg Counties, SC, and Guilford County, NC on the one hand, and, on the other, points in NJ, NY, NC, PA, RI, SC, and VA.

MC 150660 (Sub-2), filed January 16, 1981. Applicant: BALVANZ TRUCKING, INC., Hubbard, IA 50122. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *Commercial heating and air conditioning systems,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Hardin County, IA, on the one hand, and, on the other, points in the U.S.

MC 151691 (Sub-1), filed January 12, 1981. Applicant: W. D. CLARK TRUCKING, P.O. Box 1269, Lakeside, AZ 85929. Representative: Bruce L. Dusenberry, 120 West Broadway, Box 48, Tucson, AZ 85701. Transporting (1) *lumber and wood products,* (2) *rubber and plastic products,* and (3) *metal products,* between points in the U.S., under continuing contract(s) in (1) and (2) above, with Maple Bros., Inc., of Brea, CA, and in (3) above, with Rap-I-Form Corporation of Phoenix, AZ.

MC 152290 (Sub-1), filed January 21, 1981. Applicant: PROVINCIAL TANKERS LIMITED, 8820 Keele St. North, Vaughan, Ontario, Canada L0J 1E0. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Zymaize Company, of London, Ontario, Canada.

MC 152730 (Sub-1), filed January 22, 1981. Applicant: DEPENDABLE TRANSIT, INC., P.O. Box 21, Hartford City, IN 47348. Representative: William E. Ervin, 211 N. High St., Hartford City, IN 47348. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Johns-Manville Sales Corporation of Denver, CO.

MC 153260 (Sub-1), filed January 14, 1981. Applicant: W. E. TOMLINSON, d.b.a. TOMLINSON OIL, Route 2, Comanche, OK 73529. Representative: G. Timothy Armstrong, 200 North Choctaw, PO Box 1124, El Reno, OK 73036. Transporting *machinery,* , between points in the U.S., under continuing contract(s) with Cook Machine Company, of Duncan, OK.

MC 153690, filed January 21, 1981. Applicant: MELVIN HAMPTON, b.d.a. HAMPTON TRUCKING, Route 1, Box 145-B, Palmer, TN 37365. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. Transporting *clay, concrete, glass or stone products,* between points in Franklin County, TN, on the one hand, and, on the other, points in Hamilton County, TN.

Volume No. OPI–030

Decided: February 2, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 9291 (Sub-19), filed January 21, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *building materials,* (2) *glass products,* and (3) *plastic products,* between points in Wyandotte and Shawnee County, KS, on the one hand, and, on the other, points in AL, MO, MS, and TN.

MC 55830 (Sub-1), filed January 21, 1981. Applicant: THRU-WAY TRANSFER, INC., 320 Woodmont Rd., Milford, CT 06460. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *metal products, machinery, and construction materials and supplies,* between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, and DC.

MC 75840 (Sub-148), filed January 21, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE Transporting *ores and minerals,* between points in Wilkes County, GA, on the one hand, and, on the other, points in Chatham County, GA.

MC 123381 (Sub-1F), filed December 22, 1980. Applicant: D. J. CRONIN, INC., 909 Wampanoag Trail, East Providence, RI. Representative: Robert G. Parks, 20 Walnut St., Suite 101 Wellesley Hills, MA 02181. Transporting (1) *Petroleum products,* in bulk, in tank vehicles, between points in RI, on the one hand, and, on the other, points in CT, MA, and RI, and (2) *asphalt and bituminous* materials, between points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

MC 127730 (Sub-7), filed January 22, 1981. Applicant: A.A.A. CARTAGE, INC., 5938 South 13th St., Milwaukee, WI 53221. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, and points in Carver, Anoka, Hennepin, Ramsey and Washington Counties, MN, and Waukesha, Milwaukee, and Washington Counties, WI.

MC 142551 (Sub-1), filed January 23, 1981. Applicant: JO/KEL, INC., 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant) Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. W. Carroll & Sons, of Wilmington, DE, The Coleman Company, Inc., of Wichita, KS, Fraser and Johnston Company, of Hayward, CA, Earle M. Jorgensen Company, of Seattle, WA, Kentile Floors, Inc., of Brooklyn, NY, Kimstock, Inc., of Santa Ana, CA, Taylor Industries, Inc., of Conyers, GA, and Westinghouse Electric Corporation, of North Huntingdon, PA.

MC 146021 (Sub-6), filed January 26, 1981. Applicant: RALPH OWENS TRUCKING CO., INC., 311 Park Ave., PO Box 711, Hereford, TX 79045. Representative: Richard Hubbert, PO Box 10236, Lubbock, TX 79408. Transporting *food and related products,* between points in TX, on the one hand, and, on the other, points in LA.

MC 147280 (Sub-5), filed January 23, 1981. Applicant: WARREN GRADWELL, d.b.a. W. L. GRADWELL TRANSPORT, 450 N.E. 44th St., Des Moines, IA 50313. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Plaza Foods, Inc. of St. Louis, MO.

Volume NO. OP4–1

Decided: February 3, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Eaton not participating.)

MC 5227 (Sub-79F), filed January 5, 1981. Applicant: ECXLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box

1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *Malt Beverages*, between points in Denver County, Co., on the one hand, and on the other, points in the U.S.

MC 29886 (Sub-381), filed January 22, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *transportation equipment*, between points in AL, DC, DE, FL, GA, LA, ME, MD, MA, MS, NH, NJ, NY, NC, RI, SC, TX, and VA, on the one hand, and, on the other, points in the U.S.

MC 111496 (Sub-38), filed January 22, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Cloud and Moorhead, MN, over U.S. Hwy 5, serving all intermediate points.

Note.—Applicant intends to tack with its other authorities in MC-111496 and subs thereto.

MC 124306 (Sub-86F), filed January 7, 1981. Applicant: KEAN TRANSPORT COMPANY, INCORPORATED; P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInery, Suite 502, 1000 16th St., N.W., Washington, DC 20036. Transporting *chemicals and related products*, between points in Davidson County, TN and Harnett County, NC, on the one hand, and, on the other, points in NY.

MC 134426 (Sub-7), filed January 22, 1981. Applicant: McCORT DRIVE-A-WAY, INC., P.O. Box 5057, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *transportation equipment*, between points in the U.S.

MC 139586 (Sub-3), filed January 12, 1981. Applicant: NICKAS TRUCKING, INC., 685 E. 9th N., Price, UT 84501. Representative: Harry D. Pugsley, 940 Donner Way, No. 370, Salt Lake City, UT 84108. Transporting *coal and coal products*, between points in Carbon and Emery Counties, UT. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of its Certificate No. MC-139586 Sub 2.

MC 149026 (Sub-21), filed January 21, 1981. Applicant: TRANS-STATE LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price, (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Sebastian County, AR, on the one hand, and, on the other, points in the U.S.

MC 151646 (Sub-1), filed January, 1981. Applicant: MISS-ALA DISTRIBUTORS, INC., Hwy 45 S., P.O. Box 1728, Columbus, MS 39701. Representative: Peter A. Greene, 1920 N. St., NW., Washington, DC 20036. Transporting (1) *furniture and fixtures*, and (2) *materials, equipment, and supplies* used in the manufacture of furniture and fixture, between points in the U.S., under continuing contract(s) with Triangle Pacific Corporation, of Dallas, TX.

MC 153586 (Sub-1), filed January 19, 1981. Applicant: SUPERIOR ENTERPRISES, INC., Route 5, Box 264, Blackfoot, ID 83221. Representative: B. Lynn Winmill, Center 151 Bldg., Suite 502, P.O. Box 4645, Pocatello, ID 83201. Transporting *coal and coal products*, between points in the U.S., under continuing contract(s) with J.R. Simplot Company, of Boise, ID.

MC 153766, filed January 16, 1981. Applicant: H. J. ROCKHILL, INC., P.O. Box 96, Hope, NJ 07844. Representative: Robert A. Russell, 300 Main St., Hackettstown, NJ 07840. Transporting *rubber and plastic products*, between points in the U.S., under a continuing contract(s) with Mobil Chemical Company, of Mecedon, NY.

Volume No. OP5-38

Decided: January 28, 1981.

By the Commission, Review Board No. 1, Members: Carleton, Joyce, and Jones.

MC 22509 (Sub-34), filed January 16, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 59 South Main St., Winchester, KY 40391. Transporting *such commodities* as are dealt in or used by manufacturers of insulation and insulation materials, between points in Pueblo County, CO, Madison County, IN, and Bell County, TX, on the one hand, on the other, points in CO, KS, OK, NE, IA, MO, AR, MN, WI, IL, IN, LA, TX, KY, and TN.

MC 72069 (Sub-33), filed January 14, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: R. Emery Clark, 366 Executive Blg., 1030 15th St., NW., Washington, DC 20005. Transporting *such merchandise* as is dealt in and distributed by food business houses, between points in FL, on the one hand, and, on the other, points in Union County, NJ.

MC 80498 (Sub-12), filed January 5, 1981. Applicant: EARL C. SMITH, INC., 1720 Dove St., Port Huron, MI 48060. Representative: Leo Shimsky, 6464 Strong Ave., Detroit, MI 48211. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Midland, MI, and Port Clinton, OH, over U.S. Hwy 10 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction OH Hwy 2, then over OH Hwy 2 to Port Clinton, and return over the same route; (2) between Midland, MI, and junction MI Hwy 46 and Interstate Hwy 75 near Saginaw, MI, over U.S. Hwy 10 to junction MI Hwy 47, then over MI Hwy 47 to junction MI Hwy 46, then over MI Hwy 46 to junction Interstate Hwy 75, and return over the same route; (3) between Midland, MI, and junction U.S. Hwy 223 and U.S. Hwy 23, over U.S. Hwy 10 to junction MI Hwy 47, then over MI Hwy 47 to MI Hwy 46, then over MI Hwy 46 to junction MI Hwy 52, then over MI Hwy 52 to junction U.S. Hwy 223, then over U.S. Hwy 223 to junction U.S. Hwy 23, and return over the same route; (4) between Flint, MI, and junction U.S. Hwy 23 and Interstate Hwy 475, over U.S. Hwy 23; (5) between Detroit, MI, and junction Interstate Hwy 96 and MI Hwy 52, over Interstate Hwy 96; (6) between junction U.S. Hwy 23 and Interstate Hwy 94 near Ann Arbor, MI, and Detroit, MI, over Interstate Hwy 94; (7) between junction Interstate Hwy 94 and MI Hwy 14 near Ann Arbor, MI, and Detroit, MI, over MI Hwy 14; (8) between Flint and Owosso, MI, over MI Hwy 56 to junction MI Hwy 21, then over MI Hwy 21 to Owosso, and return over the same route; (9) between junction Interstate Hwy 94 and U.S. Hwy 23 and junction Interstate 12 Hwy and MI Hwy 52, over Interstate Hwy 94; and (10) between Ypsilanti, MI, and junction U.S. Hwy 12 and MI Hwy 52, over U.S. Hwy 12, serving all intermediate points on routes 1 through 10, and serving as off-route points all points in OH, and those points in MI in Bay, Genesee, Lenawee, Livingston, Midland, Monroe, Oakland, Saginaw, Shiawassee, Washtenaw, and Wayne Counties. Condition: Any certificate issued in this proceeding is subject to prior or coincidental cancellation or conversion, at applicant's written request, of its certificates of registration in MC 30498 and subs thereunder.

MC 96699 (Sub-2), filed January 12, 1981. Applicant: MURPHY TRANSPORTATION, INC., Naugatuck Dr., Naugatuck, CT 06770. Representative: Joseph Rivard, (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CT, on the one hand, and, on the other,

points in MA, RI, New York, NY, and points in Westchester, Rockland, Ulster, Orange, Dutchess, and Putnam Counties, NY.

MC 119099 (Sub-35), filed January 13, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave. NE, and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *iron and steel articles*, between points in NE, IA, MO, WI, IL, MI, and IN, and points in Ramsey, Washington, Hennepin, Dakota, Scott, Wright, Sherburn, Anoka, and Carver Counties, MN, and points in Pierce and St. Croix Counties, WI.

MC 123389 (Sub-58F), filed December 19, 1980. Applicant: CROUSE CARTAGE COMPANY, P.O. BOX 151, CARROLL, IA 51401. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), serving points in IA as off-route points in conjunction with applicant's regular route operations.

MC 126898 (Sub-14), filed January 15, 1981. Applicant: BULLDOG HIGHWAY EXPRESS, a corporation, P.O. Box 506, Charleston, SC 29402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *general commodities* (except classes A and B explosives), between points in FL, GA, NC, and SC.

MC 127848 (Sub-11), filed January 12, 1981. Applicant: WAYNE W. SELL CORPORATION, 236 Winfield Road, Sarver, PA 16055. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *clay, concrete, glass or stone products*, between points in Chicago, IL, and points in Butler and Lawrence Counties, PA, on the one hand, and, on the other, points in IL, IN, OH, NY, and PA.

MC 138308 (Sub-133), filed January 16, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 138308 (Sub-134), filed January 16, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *rubber and plastic products*, between points in Hancock and Wood Counties, OH, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 141889 (Sub-10), filed January 12, 1981. Applicant: RONALD DEBOER, d.b.a., RON DEBOER TRUCKING, Rt. 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products, between points in Little River County, AR, on the one hand, and, on the other, points in the United States in and west of MI, IN, IL, MO, AR, and LA.

Volume No. OP5-39

Decided: January 28, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 142888 (Sub-16), filed January 16, 1981. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *Clay, concrete, glass or stone products*, between points in the U.S.

M.C. 143059 (Sub-146F), filed October 24, 1980. Applicant: MERCER TRANSPORTATION CO., A Corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-151), filed January 13, 1981. Applicant: MERGER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting *metal products*, between points in Harris County, TX, on the one hand, and, on the other, points in the U.S.

MC 147198 (Sub-9), filed January 8, 1981. Applicant: P. & E. I. TRUCK LINES, INC., Box 175, Rossville, IL 60963. Representative: Thomas A. Graham, 4 West Seminary, Danville, IL 61832. Transporting (1) *toilet articles*, and (2) *chemicals and related products*, between points in IL, on the one had, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX, and WI.

MC 147748 (Sub-1), filed January 13, 1981. Applicant: R. C. KERCHEVAL & J. J. RIEDINGER, a partnership, d.b.a. OVERLAND COMMERCIAL COMPANY, 2214 4th Ave., South, Seattle, WA 98134. Representative: J. J. Riedinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in King, Pierce, and Kitsap Counties, WA, and those points in ID in and north of Nez Perce, Lewis, and Clearwater Counties.

Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 150578 (Sub-9), filed January 12, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant). Transporting *meat, meat by-products* and *articles distributed by meatpacking houses*, (a) between points in Seward County, KS, on the one had, and, on the other, points in the U.S., and (b) between those points in the U.S. in the east of TX, OK, KS, IA, and WI.

MC 150578 (Sub-10), filed January 12, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant). Transporting *alcoholic beverages* and *wine*, between points in AR, AZ, CA, CT, IL, IN, KY, LA, MI, MO, NJ, NY, OH, PA, SC, TN, and TX.

MC 152988 (Sub-1), filed January 12, 1981. Applicant: JOHN S. EHLIS d.b.a. JOHN EHLIS & SONS, Box 301, Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Weekes Forest Products, Inc., of Minneapolis, MN, and Modern Haying, Inc., of Mandan, ND.

MC 151988 (Sub-1), filed January 13, 1981. Applicant: THOMAS C. GORTER MOTOR EXPRESS, INC., 2031 Waldorf, NW, Grand Rapids, MI 49504. Representative: Edith L. Gorter (same address as applicant). Transporting *furniture and fixtures, and seats for automobiles and buses*, between points in Kent County, MI, on the one hand, and, on the other, points in OH, IN, IL, IA, WI, and MN.

MC 152609 (Sub-1), filed January 15, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., 4910 SW Red Wing Way, P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lynn C. Murray (same address as applicant.) Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contracts(s) with General

Products Manufacturing, Inc., of Wilsonville, OR.

MC 153018 F, filed December 24, 1980. Applicant: S & S CONSTRUCTION & EQUIPMENT COMPANY, 8734 North Troost St., Kansas City, MO 64155. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *iron and steel machine and earth moving parts*, between points in the U.S., under continuing contract(s) with Wheel Industries, of Kansas City, MO.

MC 153459, filed January 2, 1981. Applicant: WILLIAM P. MEEHAN d.b.a. MEEHAN ARMORED COURIER SERVICE, 10 Nate Wipple Highway, Cumberland, RI 20864. Representative: William P. Meehan, 926 Mendon Rd., Cumberland, RI 02864. Transporting *precious metals*, between points in the U.S., under continuing contract(s) with RMI Refinery, Inc., of Mapleville, RI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4573 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-029]

Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission on or before March 26, 1981. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered § 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 111310 (Sub-61F) (Republication), filed September 2, 1980, published in the **Federal Register** of September 23, 1980, and republished this issue. Applicant: BEER TRANSIT, INC., EXTENSION—MALT BEVERAGES, P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. A decision by the Commission, Review Board No. 1, decided December 30, 1980, served January 12, 1981, finds that applicant is authorized to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from Evansville, IN, Newport, KY, Belleville, IL, La Crosse, WI, St. Paul, MN, and Frankenmuth, MI, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, and Wisconsin, and (2) *empty used containers for malt beverages and refused or rejected shipments of malt beverages*, in the reserve direction. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate that applicant has been allowed to transport rejected shipments and containers in a reverse direction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4569 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 14]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 3, 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 on or before March 6, 1981, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2960 (Sub-43X), filed January 29, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, INC., P.O. Box 4362, Houston, TX 77210. Representative: Edwin M. Snyder, P. O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-No. 28F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A & B explosives)," (2) eliminate the restriction limiting service to the transportation of shipments having a prior or subsequent movement by water, and (3) allow service at all intermediate points along a described route between Oklahoma City, OK, and Houston, TX.

MC 60387 (Sub-2X), filed January 29, 1981. Applicant: KALE EQUIPMENT RENTALS, INC., 4110 Church Rd., Mt. Laurel, NJ 08054. Representative: David Kaufman (Same as applicant). Applicant seeks to remove restriction in the lead permit to broaden the territorial description to between points in the U.S. under contract(s) with various shippers.

MC 106195 (Sub-32X), filed January 23, 1981. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its (Sub-9 and 11) certificates: (1) to broaden the commodity description from iron and steel articles, as described in *Descriptions in Motor carrier Certificates*, 61 M.C.C. 209 and 767, and ferrous scrap metal, to "metal products," (2) in (Sub-9), part (1), to remove "except from the facilities of Youngstown Sheet and Tube Company at East Chicago;" to expand its Alton and Sterling, IL, city authority to county-wide authority in Whiteside and Madison Counties, IL; and in both part (1) and (2), to replace its plantsite and warehouse facilities authority at Norfolk, NE, with county-wide authority in Madison County, NE, and to serve points radially, in part (1), between Chicago, IL, Whiteside and Madison Counties, IL, Kansas City and St. Louis, MO, and points in Madison County, NE; in part (2), between CO, IL, IA, KS, MN, SD, WY, and points in that part of MO on and north of Interstate Hwy 70, and, points in Madison County, NE; and to eliminate the "originating at and destined to" restriction; (3) in Sub-No. 11, to broaden Portage, IN, to Porter County, IN; to replace its plantsite and

warehouse facilities authority at Norfolk, NE, with county-wide authority in Madison County, NE, and to broaden its one-way authority to radially serve between Porter County, IN, and, points in Madison County, NE.

MC 114084 (Sub-20X), filed January 26, 1981. Applicant: S AND S TRUCKING COMPANY, P.O. Box 1546, Statesville, NC 28677. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Applicant seeks to remove restrictions from its (Sub-3) certificate to (1) broaden the commodity description from laboratory and technical furniture, fixtures, equipment, materials and supplies, uncrated to "furniture and fixtures"; and (2) replace its one-way authority with radial authority between Statesville, NC and points in the U.S. (except NC).

MC 127097 (Sub-1X), filed January 19, 1981. Applicant: CHEMICAL TRANSPORTERS, INC., 15145 South El Cameno Real Drive, Orland Park, IL 60462. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to modify its lead certificate, by broadening the commodity description from chemicals, in bulk, to "chemicals and related products;" by substituting Will County, IL, for the named plantsite at Joliet, IL; and by replacing one-way authority from points in the named county to points in the U.S. (except NC, SC, VA, points in MI and a portion of TX and TN) with radial authority.

MC 143636 (Sub-13X), filed January 27, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703. Applicant seeks to remove restrictions in its (Sub-2), 4F, 6F, and 8F certificates by (1) removing the facilities limitation in (Sub-2), (2) broadening its territorial description from one-way authority to radial authority (a) between points in Douglas, Edgar and Vermillion Counties, IL, and points in Vermillion and Vigo Counties, IN, in (Sub-2), (b) between points in Vigo County, IN and points in IL and WI, in (Sub-6F), and (c) between points in Vigo County, IN, and points in IL, in (Sub-8F), (3) eliminating the in bulk, in dump vehicles restriction in (Sub-2), and the in bulk, in tank vehicle restriction in (Sub-8F), and (4) broadening its commodity description from sand gravel, and aggregates, to "construction and road building materials" in (Sub-4F).

MC 146813 (Sub-7X), filed January 26, 1981. Applicant: A. M. DELIVERY, INC., 21454 Cold Springs Lane, Diamond Bar, CA 91765. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its (Sub-3F, 4F and 5F) permits to (1) broaden the commodity descriptions in (Sub-3F) from cleansing compounds, petroleum and petroleum products, and corrosive products (except commodities in bulk) to "chemicals and related products, and petroleum and petroleum products;" in (Sub-4F) from paper bags to "pulp, paper and related products;" and in (Sub-5F) from (a) fireplace airheaters and ventilators and barbeque grills, and (b) parts and accessories for commodities in (a) above, to "(a) metal products, and (b) parts and accessories for commodities in (a) above," and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with the named shippers.

MC 149206 (Sub-6X), filed January 26, 1981. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same as above). Applicant seeks to remove restrictions from its (Sub-1F, 2F, 3F, and 4F) certificates to (1) broaden the commodity descriptions from iron and steel articles and pipe, wire, wire products, fencing, fencing materials and supplies to "metal products and waste or scrap materials not identified by industry producing"; (2) delete the plantsite restrictions at named facilities; and (3) replace one-way authority with radial between: (a) Sterling and Rockfalls, IL, and points in AL, AR, AZ, CA, IA, LA, MS, NM, NV, OK, OR, TX, UT and WA; (b) Conroe, TX and points in the US; (c) Van Buren, AR and points in the US (except AR); (d) Wagoner, OK, Memphis, TN, St. Louis, MO, and Bellevue, OH and points in the US in and east of ND, SD, NE, CO and NM.

[FR Doc. 81-4571 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application, Important Notice

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 from 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-93

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 148764 (Sub-1-7TA), filed January 21, 1981. Applicant: MAR-PAT TRANSPORTATION CORP., 2445 Allen Avenue, Niagara Falls, NY 14303. Representative: William J. Hirsch, P.C., 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. *Coke, pig iron, castings, and articles used in, and by products resulting from the manufacture thereof,* between points in NY, PA, and OH. Supporting shipper: The Hanna Furnace Corp., Division of National Steel Corp., P.O. Box 1207, Buffalo, NY 14240.

MC 145895 (Sub-1-1TA), filed January 26, 1981. Applicant: STATE TRANSPORTATION, INC., Route #1 Bypass, P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* Irregular routes: (1) *Paper and paper products,* and (2) *equipment, material and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in PA, NJ and DE, on the one hand, and on the other, points in CT, ME, MA, NH, NY, RI, and VT. Under continuing contract(s) with Scott Paper Co., for Philadelphia, PA. Supporting shipper:

Scott Paper Co., Scott Plaza, Philadelphia, PA 19113.

MC 153739 (Sub-1-1TA), filed January 26, 1981. Applicant: NATIONWIDE TRANSPORT & WAREHOUSE, INC., P.O. Box 4444, Industrial Station, Hillside, NJ 07205. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Paper and materials and supplies used in the manufacturing thereof, (except in bulk),* between Newark, NJ, on the one hand, and on the other, points in the U.S., (except AK and HI). Under continuing contract(s) with Urban Data Systems, Inc. of Newark, NJ. Supporting Shipper: Urban Data Systems, Inc., 850 Frelinghuysen Ave., Newark, NJ 07114.

MC 102764 (Sub-1-1TA), filed January 26, 1981. Applicant: ABC, INC., 24 Plymouth Road, No. Providence, RI 02904. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Common Carrier,* regular routes: *passengers and their baggage, and express and newspapers, in the same vehicle with passengers,* between Providence, RI and Boston, MA serving all intermediate points, from Providence, RI over Interstate HWY 95 to the JCT of HWY 128, then over HWY 128 to the JCT of the Southeast Expressway to Boston, MA and return over same route. Supporting shippers: Applicant has appended to its application, an Argument stating the reasons why the authority should be granted.

MC 153759 (Sub-1-1TA), filed January 27, 1981. Applicant: GLOUCESTER DISPATCH, INC., 274 Main St., Gloucester, MA 01933. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* Irregular routes: *Foodstuffs,* from points in MA to points in the U.S. Under continuing contract(s) with Chase & Co., of New York, NY. Supporting shipper: Chase & Co., 1111 Park Ave., New York, NY 10028.

MC 87451 (Sub-1-6TA), filed January 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove St., Lexington, MA 02173. *Contract Carrier:* Irregular routes: *Building materials and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except classes A & B explosives and household goods as defined by the Commission),* between points in NY, NJ, and PA, on the one hand, and on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, and DC. Under continuing contract(s) with Chiappisi Bros., Inc., of Needham Heights, MA. Supporting shipper: Chiappisi Bros., Inc., 199 Hillside Ave., Needham Heights, MA 02194.

MC 87451 (Sub-1-5TA), filed January 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove St., Lexington, MA 02173. *General commodities (excluding classes A & B explosives and household goods as defined by the Commission)* between Boston, MA, on the one hand, and on the other points in ME, NH, VT, RI and CT. Supporting shipper: Harper Robinson & Co., 395 Maverick St., Suite 204, E. Boston, MA 02128.

MC 145044 (Sub-1-3TA), filed January 21, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except household goods, classes A and B explosives hazardous wastes, commodities in bulk, those commodities of unusual value, and commodities requiring special equipment),* between points in the U.S., restricted to traffic originating at or destined to the facilities used or utilized by Esselite Pendaflex Corporation. Supporting shipper: Esselite Pendaflex Corporation, Clinton Road, Garden City, NY.

MC 65491 (Sub-1-6TA), filed January 26, 1981. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd Street, Bronx, New York 10469. Representative: William Biederman, Esq., 371 Seventh Avenue, New York, New York 10001. *Beer in kegs, cans and bottles,* between Detroit, MI, and points and places in the State of PA. Supporting shipper: Home Service Beverage Co., 419-421 Fifth Avenue, Williamsport, PA 17701.

MC 153707 (Sub-1-1TA), filed January 21, 1981. Applicant: VALLEY TRUCKING CO., Room 201, 7 Lewis St., Binghamton, NY 13901. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between points in PA, NY and NJ on the one hand, and, on the other, points in the U.S. Restricted to transportation originating at or destined to the facilities utilized by Northeastern Pennsylvania Shipper's Cooperative, Inc., or its members and restricted to shipments moving on bills of lading of Northeastern Pennsylvania Shipper's Cooperative Association, Inc. Supporting shipper(s): Northeastern Pennsylvania Shipper's Cooperative Association, Inc., 1212 O'Neill Hwy, Dunmore, PA 18512.

MC 87451 (Sub-1-8TA), filed January 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Sexington, MA 02173. *(1) Plastic articles (2) Materials, equipment and supplies used in the manufacture, sale and distribution thereof (except classes A & B explosives and household goods as described by the Commission),* between Leominister, MA, Wilbraham, MA, Cortland, NY, Auburn, NY, and Canton, PA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX. Supporting shipper: Beacon Products Corp., 9 Lincoln St., Newton Highlands, MA 02161.

MC 87451 (Sub-1-7TA), filed January 27, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 268, Somerville, MA 02143. Representative: William F. Mix, 153 Grove Street, Sexington, MA 02173. *Contract carrier:* irregular routes: *Building materials and materials, equipment and supplies used in the manufacture, sale, and distribution thereof (except classes A & B explosives and household goods as defined by the Commission),* between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, OH, and DC, under continuing contract with Robert N. Karpp Co., of Boston, MA. Supporting shipper: Robert N. Karpp Co., Inc., 771 Summer Street, Boston, MA 02127.

MC 10875 (Sub-1-5TA), filed January 26, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. *Common carrier:* regular routes: *General commodities, except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission,* serving points in Cheshire, Hillsboro, Merrimack, Belknap, Rockingham and Strafford Counties, NH, and points in Waldo, Somerset, Oxford, Lincoln, Sagadahoc, Kennebec, Androscoggin, Penobscot, York, Cumberland, Washington, Hancock, Franklin and Knox Counties, ME, as off-route points in connection with applicant's regular routes. Applicant intends to tack and interline. Supporting shipper(s): Almy Stores, Inc., 1400 Soldiers Field Road, Brighton, MA 02135; King's Department Stores, Inc., 150 California Street, Newton, MA 02158.

MC 135633 (Sub-1-3TA), filed January 26, 1981. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Ave., Englewood Cliffs, NJ 07632. Representative: Harold G. Hernly, Jr.,

110 South Columbus St., Alexandria, VA 22314. *Trucks, tractors, buses, in driveaway service,* between points in the U.S. Supporting shipper: There are 9 statements in support of this application which may be examined at the ICC Regional Office in Boston, MA.

MC 37398 (Sub-1–2TA), filed January 26, 1981. Applicant: JOHN J. BOYCE TRANSPORTATION, INC., P.O. Box 1377, Atlantic City, NJ 08404. Representative: Morris D. Weinstein, 116 So. Elberon Ave., Atlantic City, NJ 08401. *Dairy products and materials used in manufacturing,* between points in MA and MD on the one hand, and, on the other hand, points in FL, GA, LA and TX. Supporting shipper: Colombo, Inc., Danton Drive, Methuen, MA 01844.

MC 11727 (Sub-1–2TA), filed January 21, 1981. Applicant: JAMES H. RUSSELL, INC., Three Rocky Hill Road, Smithfield, RI 02917. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman and Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *General commodities (except those of unusual value, Classes A and B explosives, hazardous waste, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in New London County, CT, on the one hand, and, on the other, points in DE, MD, NH, NJ, NY, MA, ME, PA, VA, RI, VT, and DC. Supporting shipper: Phelps Dodge Industries, Inc., 300 Park Avenue, New York, NY 10022.

MC 113313 (Sub-1–1TA), filed January 19, 1981. Applicant: UNION TRUCKING CO., INC., 315 North 14th Street, Kenilworth, NJ 07033. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in NJ, on the one hand, and, on the other, New York, NY, and points in Nassau, Suffolk, Westchester, Rockland, and Orange Counties, NY, restricted against the transportation of traffic originating at or destined to the facilities of MacMillan Bloedel Containers, Inc., at Union, NJ. Supporting shipper(s): There are six statements in support of this application which may be examined at the ICC Regional Office in Boston, MA.

MC 153136 (Sub-1–1TA), filed January 14, 1981. Applicant: F. M. TAYLOR TRUCKING LIMITED, P.O. Box 130, Debert, Nova Scotia, CD B0M 1G0. Representative: Fred Marshall Taylor, P.O. Box 130, Debert, Nova Scotia, CD B0M 1G0. *Contract carrier:* irregular route: *Ground white barytes with deminimus of grinding aid and derivatives and occasionally machinery associated with the refinement of the stated ground white barytes with deminimus of grinding aid and derivatives* between the US/CD boundary line located at Calais and Houlton, ME, and Bar Harbor, ME, on the one hand, and, on the other, Westbury, NY, under continuing contract(s) with Nystone Chemicals Ltd. of Debert, Nova Scotia. Supporting shipper: Nystone Chemicals Ltd., P.O. Box 69, Lancaster Crescent, Debert, Nova Scotia, CD B0M 1G0.

MC 2060 (Sub-1–1TA), filed January 22, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., 18 Pine Grove Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th St. NW., Suite 1032, Washington, DC 20004. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Kingston, NY, and New York, NY, as follows: from Kingston via Interstate Hwy 87 to junction NY Hwy 17 (also from Kingston via NY Hwy 32 to New Paltz, then via NY Hwy 299 to junction Interstate Hwy 87), then via NY Hwy 17 to junction NJ Hwy 17, then via NJ Hwy 17 to NJ Hwy 3, then via NJ Hwy 3 to Interstate Hwy 495 (also from junction Interstate Hwy 87 and NY Hwy 17 via Interstate Hwy 87 to the Garden State Parkway, then via the Garden State Parkway to Interstate Hwy 80, then via Interstate Hwy 80 to Interstate Hwy 95, then via Interstate Hwy 95 to Interstate Hwy 495), then via Interstate Hwy 495 and the Lincoln Tunnel to New York, NY, and return over the same route, serving intermediate points in NJ and those in NY between Kingston and New Paltz, including New Paltz; restricted against the transportation of passengers and express whose entire journey begins at New York, NY, and ends at any point in NJ, or vice versa. Supporting shipper(s): There are 9 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 153709 (Sub-1–1TA), filed January 22, 1981. Applicant: DEPOT TRUCKING, INC., Bldg. 54, Rotterdam Industrial Park, Rotterdam, NY 12306. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *General commodities (except Classes A & B explosives, commodities in bulk, and those requiring special handling and equipment),* between facilities of Distribution Unlimited, Inc. located at Rotterdam and Guilderland Center, NY, on the one hand, and, on the other, points in OH, PA, NJ, MA, CT and MD. Supporting shipper(s): Distribution Unlimited, Inc., P.O. Box 98, Guilderland Center, NY 12085.

MC 89021 (Sub-1–1TA), filed January 22, 1981. Applicant: LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Box 237, Carteret, NJ 07008. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Plastic articles and materials and supplies used in the manufacturing and distribution thereof, except in bulk,* between points in the US, under a continuing contract with Tedruth Plastics/Fesco Div. Cities Service Co. of Farmingdale, NJ. Supporting shipper: Tedruth Plastics/ Fesco Div. Cities Services Co., P.O. Box 607, Farmingdale, NJ 07727.

MC 144061 (Sub-1–8TA), filed January 22, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Road, Hawthorne, NJ 07506. Representative: Jack L. Schiller, 345 Webster Ave., Brooklyn, NY 11230. *Contract Carrier:* irregular routes: *Water treatment compounds and raw materials used in the production of water treatment compounds, in bulk,* (1) between Hawthorne, NJ, on the one hand, and, on the other, Ellwood City and Frisco, PA; and (2) between Hawthorne, NJ, Ellwood City and Frisco, PA, on the one hand, and, on the other, Hartford, CT, Washington, DC, Rochester, NY and Schenectady, NY, under continuing contract(s) with Calgon Corporation of Pittsburgh, PA. Supporting shipper: Calgon Corporation, Box 1346, Pittsburgh, PA 15230.

MC 153563 (Sub-1–1TA), filed January 22, 1981. Applicant: INLAND POLLUTION CONTROL, INC., P.O. Box 303, 385 Quincy Ave., Braintree, MA 02184. Representative: Joseph V. Polsinello, 26 James Road, Hanover, MA 02339. *Oils, chemicals, hazardous waste, equipment, material in conjunction with the petroleum, chemical, marine, municipal, utility, and pollution control industry,* between points east of the Mississippi River, TX, LA and IL. Supporting shipper(s): Cities Service Company, 385 Quincy Ave., Braintree, MA 02184. Recycling Industries, Inc., 385 Quincy Ave., Braintree, MA 02184.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 138878 (Sub-II–1TA), filed December 18, 1980. Applicant: JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, WV 26452. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Steel pipe* from

Allegheny County, PA to Lewis County, WV. Underlying ETA seeks 120 days authority. Supporting shipper(s): Shafer Pipe Line Co., P.O. Box D, Clendenin, WV 25045.

MC 146148 (Sub-II-2TA), filed December 24, 1980. Applicant: B-RIGHT TRUCKING CO., 492 Old State Route 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. *Contract, irregular: Lockers, cabinets, storage cases, shelving, sheet metal products and related parts and accessories therefor,* between the facilities of Interior Steel Equipment Co. at Cleveland, OH on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Interior Steel Equipment Co., 2352 East 69th Street, Cleveland, OH 44104.

MC 14252 (Sub-II-12TA), filed January 14, 1981. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham (same as applicant). Common, regular: *General commodities (except household goods as defined by the Commission, and classes A and B explosives),* serving all points in Warren County, PA as off route points in connection with carriers presently authorized regular route operations, for 270 days. Applicant intends to tack and interline. An underlying ETA seeks 120 days authority. Supporting shippers: Rexnord Inc., Coupling Div., 304 Main Ave., Warren, PA 16365; Interelectric Corporation, 1401 Lexington Ave., Warren, PA 16365; Betts Machine Co./Tiona Betts, Inc., P.O. Drawer 888, Warren, PA 16365.

MC 17764 (Sub-II-1TA), filed January 16, 1981. Applicant: DENTON TRUCKING, INC., P.O. Box 33, Denton, MD 21629. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Such commodities as are dealt in and distributed by manufacturers of concrete products (except commodities in bulk),* between CT, NY, NJ, MD, DE and VA, restricted to traffic originating at and/or destined to the facilities of Coastal Dock Building Corporation and Bayshore Concrete Products Corporation, for 270 days. Supporting shippers: Coastal Dock Building Corp., Greenport, NY 11944; Bayshore Concrete Products Corp., Cape Charles, VA 23310.

MC 153608 (Sub-II-1TA), filed January 14, 1981. Applicant: DOVER TRUCKING COMPANY, P.O. Box 575, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Wash., DC 20005. *(1) Telephone equipment, materials and supplies used in construction and maintenance of telephone systems,* between Dover, DE, on the one hand, and, on the other, points in Kent and Sussex Counties, DE. Restriction: Restricted to traffic having a prior or subsequent movement by rail, truck or water; *(2) General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious and contaminating to other lading,* between Dover, DE, on the one hand, and, on the other, points in DE located south of the Chesapeake and Delaware Canal. Restriction: Restricted to traffic having a prior or subsequent movement by rail, truck or water, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Western Electric Company, Cockeysville, ME 21030; Carolina Freight Carriers Corp., Cherryville, NC 28021

MC 113666 (Sub-II-14TA), filed December 11, 1980. Originally published in **Federal Register** dated December 31, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (Same as applicant). *Calcium carbide, in bulk, in tank vehicles,* from Ashtabula, OH to ports of entry on the International Boundary Line between the US and Canada located at Niagara Falls, NY and Buffalo, NY, for 270 days. Supporting shipper: Cyanamid Canada, Inc., 2255 Sheppard Ave., E, Willowdale, Ontario, M2J 4Y5. Reason for republication to include Buffalo, NY.

MC 60253 (Sub-II-1TA), filed December 22, 1980. Originally published in **Federal Register** dated January 12, 1981. Applicant: ARLINGTON TRUCK CO., 524 Oregon Rd., Northwood, OH 43604. Representative: Richard A. Chase, 525 Security Bldg., Toledo, OH 43604. Contract, irregular: *Glass and glass products, materials, supplies and equipment used in the manufacture, sale and distribution thereof, except in bulk,* from the facilities of Libbey-Owens-Ford at Toledo, OH, on the one hand, and, on the other, pts. in the US (except AL and HI), for 270 days. Applicant intends to tack. Supporting shipper: Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. Purpose of republication to show applicant's intent to tack.

MC 94265 (Sub-II-27TA), filed January 19, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 W., Windsor, VA. 23487. Representative: Olin C. Cooper, Jr. (same as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (Except hides);* from Bartholomew County, IN, to pts in NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Stadler Packing Company, Inc., 660 Belmont St., Columbus, IN. 47201.

MC 144780 (Sub-II-2TA), filed January 19, 1981. Applicant: PAUL EVANS & SONS TRUCKING, INC., P.O. Box 185, Wilmington, OH 45177. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract:* Irregular: *(1) Sand and gravel, in dump vehicles,* between Clermont, Hamilton, Warren, Clinton and Butler Counties, OH, on the one hand, and, on the other, points in KY, and *(2) Coal, in dump vehicles,* between Rockcastle, Owsley, Lee, Jackson, Laurel, Clay, Bell and Leslie Counties, KY, on the one hand, and, on the other, points in OH and Lawrenceburg, IN, under a continuing contract or contracts with R.B.S., Inc., for 270 days. An underlying ETA has been filed seeking 120 authority. Supporting shipper: R.B.S., INC., 325 Clark Rd., Cincinnati, OH 45215.

MC 140159 (Sub-II-6TA), filed January 19, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Contract, irregular: *Coal,* from points in CO, MT, KY, IL, PA, and MA to Lakewood, NJ and Waltham, MA and from Lakewood, NJ to points in CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Resource Engineering, Inc., 80 Bacon St., Waltham, MA 02154.

MC 150567 (Sub-II-T-12TA), filed January 15, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract carrier, irregular routes: *(1) Audio and video electrical equipment and (2) Parts, materials and supplies incidental to the manufacture and distribution thereof,* between (1) Chicago, IL and McAllen, TX and (2) Chicago, IL and McAllen, TX on the one hand, and, on the other, points in IL, KY, MI, MO, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alice C. Worsham, Zenith Radio Corporation, 1000 N. Milwaukee Ave., Glenview, IL 60025.

MC 72495 (Sub-II-3TA), filed January 16, 1981. Applicant: DON SWART TRUCKING, INC., P.O. Box 49, Route 2, Wellsburg, WV 26070. Representative:

Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Limestone and sand,* between points in KY, MD, OH, PA, VA, WV, and DC for 270 days. Supporting shipper: Benwood Limeston, 2nd and Water St., Benwood, WV 26031; James River Limestone Co., Inc., P.O. Drawer 617, Buchanan, VA 24066.

MC 150954 (Sub-II–10–TA), filed December 29, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Originally published in the **Federal Register** on January 14, 1981. *Processed foodstuffs,* from the facilities of Supreme Meals, Inc., McAllen, TX to Los Angeles, CA; Chicago, IL; New Orleans, LA and New York, NY for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline to points in TX within the scope of operations of Alamo Express, Inc., MC 107727. Supporting shipper(s): Supreme Meals, Inc., 2601 Zinna St., McAllen, TX 78501. Reason for republication: Interlining statement was omitted.

MC 44447 (Sub-II–1TA), filed January 16, 1981. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Ave., Columbus, OH 43212. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Expanded plastic foam and expanded plastic foam with facings on one or more sides,* from Lawrence and Butler Counties, OH, to points in KY, IN, MI, PA and WV for 270 days. Supporting shipper: Dow Chemical U.S.A., P.O. Box 36000, Strongsville, OH 44136.

MC 145583 (Sub-II–2TA), filed January 16, 1981. Applicant: XPRESS TRUCK LINES, INC., 2500 E. Butler St., Philadelphia, PA 19137. Representative: Anthony A. Cerone, 3348 Morrell Ave., Philadelphia, PA. 19114. *Alcohol, alcoholic beverages and wines,* between points in PA, DE, CT, NY, NJ, MD, RI, MA, NH, VA, VT, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Diversified Freight Systems, Inc., 901 N.W. 10th Ave., Ft. Lauderdale, FL 33311.

MC 80653 (Sub-II–6TA), filed January 8, 1981. Applicant: DAVID GRAHAM COMPANY, P.O. Box 254, Levittown, PA 19059. Representative: Lois T. Philipkosky (same address as applicant). *Iron and steel articles and materials, equipment and supplies used or useful in the installation, manufacture, sale or production of iron and steel articles* between Perth Amboy, NJ, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, DC, VA, WV, NC, OH, IN, IL, MI, KY and TN. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ.

MC 113106 (Sub-II–7TA), filed January 12, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Containers, container ends, parts, materials and supplies used in the distribution and manufacture of containers,* between Fredericksburg, VA on the one hand, and, on the other, points in the U.S. Supporting shipper: Continental Forest Industries, Greenwich, CT 06830.

MC 152768 (Sub-II–1TA), filed January 6, 1981. Applicant: HAMILTON TRUCK CORP., 141 Willis St., Bedford, OH 44146. Representative: R. D. Hamilton (same address as above). *Auto body parts, engines, racks, sound deadner material and chemical compound related to the manufacture of automobiles,* between the Cleveland, OH commercial zone, on the one hand, and, on the other, Detroit commercial zone, Monroe and Woodhaven, MI; and between the commercial zone of Cleveland, OH, on the one hand, and, on the other, the commercial zones of Chicago, IL and Buffalo, NY, for 270 days. Applicant intends to interline at Detroit, MI and Buffalo, NY. Supporting shipper(s): Ford Motor Co., 1 Parklane Blvd., 200 Parklane Towers East, Dearborn, MI 48126.

MC 111196 (Sub-II–1TA), filed January 13, 1981. Applicant: R. KUNTZMAN, INC., 1805 W. State St., Alliance, OH 44601. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Transportation of new furniture and furniture parts; and materials, equipment and supplies used in their manufacture and distribution, except commodities in bulk,* between Alliance, OH on the one hand, and, on the other, points in OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: S.K. Products Corp., 5355 Bucknell Drive, S.W., Atlanta, GA 30378.

MC 129124 (Sub-II–5TA), filed January 13, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Coal,* in bulk, in dump vehicles, from points in Schuylkill County, PA, to points in Hartford County, CT, Essex County, MA, and Suffolk County, NY, for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Charles Fox, 20th and Vine Streets, Hazelton, PA 18201.

MC 65475 (Sub-II–10TA), filed January 12, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Zinc and zinc products,* from the facilities of St. Joe Zinc Co. at Josephtown (Beaver Co.), PA, to points in and east of MN, IA, MO, AR, and TX. Supporting shipper: St. Joe Zinc Co., P.O. Box A, Monaca, PA 15061.

MC 125335 (Sub-2–25TA), filed January 12, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are used or dealt in by food business houses,* Between Lehigh County, PA, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, RI, VT, VA, and WV. Supporting shipper: Lehigh Valley Refrigerated Services, 355 Snowdrift Road, Fogelsville, PA.

MC 144386 (Sub-II–4TA), filed January 12, 1981. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, Jr. AND JAMES M. BLANEY d.b.a. BLANEY FARMS, Box 218B, Perryopolis, PA 15473. Representative: William A Gray, Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. *Salt and salt products (except in bulk),* between the facilities of Diamond Crystal Salt Company, Inc., at or near Akron, OH, on the one hand, and, on the other, points in the US, under a continuing contract(s) with Diamond Crystal Salt Company, Inc. of St. Clair, MI, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Diamond Crystal Salt Company, Inc., 916 South Riverside Ave., St. Clair, MI 48079.

MC 147850 (Sub-II–1TA), filed January 12, 1981. Applicant: BURGESS TRUCKING COMPANY, INC., Post Office Box 96, Sedley, VA 23878. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *(1) Lumber and wood products and (2) materials, equipment, and supplies used in the manufacture, processing, sale, and distribution of the commodities in (1) above* between points in Nash County, NC, Bradford County, PA, and Patrick and Sussex Counties, VA, on the one hand, and, on the other, points in DE, IN, MD, NJ, NY, NC, PA, TN, VA, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Masonite Corporation, P.O.B. 378, Waverly, VA 23890.

MC 140294 (Sub-II–9TA), filed January 12, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C.

Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *Plastic articles, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Winchester, VA, including its commerical zone, on the one hand, and on the other, points in PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Rubbermaid Commercial Products, 3124 Valley Ave., Winchester, VA 22601.

MC 153479 (Sub-II-1TA), filed January 12, 1981. Applicant: JOHN P. & KAYE WEDEBROOK, d.b.a. KAYE TRUCKING & LEASING COMPANY, Box 1866, Rt. 2, Wheelersburg, OH 45694. Representative: Stephen C. Fitch, 155 E. Broad St., Columbus, OH 43215. Contract; irregular—*coal,* in bulk, in dump vehicles, from South Shore, KY; to all points in OH; Jackson, MI; Ft Wayne, IN and from Scioto, Jackson and Vinton Counties, OH to Richmond, IN; South Shore, KY; Jackson, MI and Ft. Wayne, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Island Creek Coal Sales Co., P.O.B. 12029, 2365 Harrodsburg Rd., Lexington, KY 40579.

MC 150939 (Sub-II-13TA), filed January 12, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular, *Metallized and solar screen films and gift wrappings and materials, supplies and equipment used or useful in the manufacture, sale or distribution of said commodities,* between the facilities of Van Leer U.S.A. and Hysil Manufacturing Company, Division of Van Leer U.S.A. located in MA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Van Leer U.S.A. and Hysil Manufacturing Company, Division of Van Leer U.S.A. of Woburn, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Van Leer U.S.A., Hysil Manufacturing Company, Division of Van Leer U.S.A., 45 Industrial Parkway, Woburn, MA 01801.

MC 151707 (Sub-II-4TA), filed December 11, 1980. Originally published in **Federal Register** December 31, 1980.* Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant). *Aluminum, Brass, Bronze or Copper Articles* between points in CT, IL, IN, KY, MA, MI, MN, MO, NJ, NY, OH, PA, RI, and WI for 270 days under continuing contract(s) with Commonwealth Metal Corp., Englewood Cliffs, NJ. An underlying ETA seeks 120 days authority. Supporting shipper(s): Commonwealth Metal Corp., 560 Sylvan Ave., Englewood Cliffs, NJ.

MC 113828 (Sub-II-14TA), filed January 26, 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,* between points in VA, on the one hand, and on the other hand, points in MO, MN, WI, IA, AR, MS, and TX for 270 days. Supporting shipper: Virginia Chemicals, Inc., 3340 West Norfolk Rd., Portsmouth, VA 23703.

MC 107012 (Sub-II-133TA), filed January 28, 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). *Pipe insulation,* from San Diego, CA to points in MA, CT, RI, NY, NJ, PA, MD, DC, MI, OH, MN, WI, IL, IN, MO, KS, AR, GA, LA, TX, OK, WA, OR, UT, CO, NM, AZ and NV for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Zipcote Inc., 9586 Distribution Ave., Suite F, San Diego, CA 92121.

Note.—Common control may be involved.

MC 150954 (Sub-II-16TA), filed January 26, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract, irregular; *Chocolate, coffee and tea, processed or not processed; and beverage preparations, in packages, cans or bags; and supplies incidental to the manufacturing and distribution thereof,* (STCC 20) between Houston, TX, on the one hand, and on the other, Los Angeles and Modesto, CA; Denver, CO; Momence, IL; Anderson, IN; New Orleans and Shreveport, LA; St. Louis, MO; Linden and Morris Plains, NJ; Memphis, TN and points within the interstate commercial zones thereof for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dana Brown Private Brands, Inc., 4907 W. Pine Blvd., St. Louis, MO 63108.

MC 146807 (Sub-II-14TA), filed January 26, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). *Sole Leather, Unfinished,* from Williamsport, PA to points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): E.H. Hall Co., Inc., 2605 Reach Road, Williamsport, PA.

MC 150567 (Sub-II-15TA), filed January 26, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. *Contract Irregular: Chemicals, plastics* and *magnesium metal,* except in bulk, from the facilities of the Texas Division, Dow Chemical U.S.A., at or near Freeport, TX to CA, WA, OR, NC, IA, NE, PA, IL, MI, IN and OH for 270 days under a continuing contract with Dow Chemical U.S.A., Texas Division. Supporting shipper: Dow Chemical U.S.A., Texas Division, A.B. Beutal Bldg., Freeport, TX 77541.

MC 2202 (Sub-II-18TA), filed January 26, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common,* regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Serving the Distribution Center of K-Mart Corporation at or near Corsicana, TX as an intermediate point on applicant's route between Dallas and Houston, TX, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes. Applicant proposes to interline at existing gateways throughout its system. Supporting shipper: K-Mart Corporation, 3100 W. Big Beaver Rd., Troy, MI 48084.

MC 110541 (Sub-II-1TA), filed January 26, 1981. Applicant: MARK E. YODER, INC., Route 61, Box 346, Schuylkill Haven, PA 17972. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. *Coal silt* from Carbon County, PA to Camden County, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Deerfield Commodities, Ltd., 297 Mill Street, Poughkeepsie, NY 12601.

MC 1824 (Sub-2-13TA), filed January 27, 1981. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry, 151 Easton Blvd., Preston, MD 21655. *Common;* regular: *General commodities, except household goods as defined by the Commission and classes A & B explosives,* between Chicago, IL, and Davenport, IA, from Chicago over I-Hwy 55 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Davenport, and return over the same

*This TA must be republished in order to add the state of NY which was left out of the original publication on December 31, 1980.

route, serving all intermediate points, and as off-route points, points in Rock Island County, IL, and Scott County, IA. Applicant intends to tack authority sought with authority held under Docket No. MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to St. Louis, MO, Cleveland, OH, Pittsburgh, PA, and Baltimore, MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 28 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 107012 (Sub-II-131TA), filed January 26, 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 address as applicant). *Wheel weights, passenger car and truck tires* from the facilities of B.F. Goodrich at or near Columbus, OH to points in IN and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reinalt-Thomas Corp., d.b.a. Discount Tire Co., 903 Airport Dr., Ann Arbor, MI 48104.

Note.—Common control may be involved.

MC 2202 (Sub-II-20TA), filed January 28, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Turney & Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Common, regular: General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Serving Hamilton, AL and points in its commercial zone as off-route points in connection with applicant's route to and from Winfield, AL, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Winfield, AL. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: Tollgate Garment, Inc., Route 3, Hwy 278 East, Hamilton, AL 35570, and Blue Bell, Inc., Airport Road, Hamilton, AL 35570.

MC 153789 (Sub-II-1TA), filed January 28, 1981. Applicant: MARYLAND TRANSPORT SYSTEMS, INC., P.O. Box 606, Elkton, MD 21921. Representative: Hubert D. Moye (same as applicant). *Paper and paper products, and equipment, materials, and supplies used in the manufacture, sale, or distribution thereof,* except commodities in bulk, between points in DE, NJ, PA, OH, MI, IN, IL, WI, and AL for 270 days. Restricted to shipments originating at or destined to the facilities of Scott Paper Company. Supporting shipper(s): Scott Paper Company, Scott Plaza II, Phila., PA 19113.

MC 59957 (Sub-II-8TA), filed January 28, 1981. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Common: Regular: General Commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), (1) between Savannah, GA, and Montgomery, AL, over U.S. Hwy 80, (2) between Montgomery, AL, and Louisville, KY, (a) from Montgomery over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31E to Louisville, and return over the same route, (b) from Montgomery over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31W to Louisville, and return over the same route, (3) between Macon, GA, and Henderson, KY, over U.S. Hwy 41, (4) between Charleston, SC, and Memphis, TN, over U.S. Hwy 78, (5) between Petersburg, VA, and Swainsboro, GA, over U.S. Hwy 1, (6) between Memphis, TN, and St. Louis, MO, over U.S. Hwy 61, (7) between Hagerstown, MD, and Tuscaloosa, AL, (a) from Hagerstown over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11W to Knoxville, TN, then over U.S. Hwy 11 to Tuscaloosa, and return over the same route, (b) from Hagerstown over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11E to Knoxville, TN, then over U.S. Hwy 11 to Tuscaloosa, and return over the same route, (8) between Beaufort, SC, and Cambridge, OH, over U.S. Hwy 21, (9) between Augusta, GA, and Cincinnati, OH, (a) from Augusta over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25E to the junction of U.S. Hwy 25E and U.S. Hwy 25 (near Corbin, KY), then over U.S. Hwy 25 to Cincinnati, and return over the same route, (b) from Augusta over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25W to the junction of U.S. Hwy 25W and U.S. Hwy 25 (near Corbin, KY), then over U.S. Hwy 25 to Cincinnati, and return over the same route, (10) between Columbia, SC, and Savannah, GA, from Columbia over U.S. Hwy 321 to the junction of U.S. Hwy 321 and U.S. Hwy 17 (near Hardeeville, SC), then over U.S. Hwy 17 to Savannah, and return over the same route, (11) between Savannah, GA, and Fredericksburg, VA, over U.S. Hwy 17, (12) between Tupelo, MS and Effingham, IL, (a) from Tupelo over U.S. Hwy 45 to the junction of U.S. Hwy 45 and U.S. Hwy 45W (near Fairview, TN), then over U.S. Hwy 45W to Fulton, KY, then over U.S. Hwy 45 to Effingham, and return over the same route, (20) between Cincinnati, OH, and Macon, GA, over Interstate Hwy 75, (21) between Richmond, VA, and the junction of Interstate Hwy 95 and U.S. Hwy 80 (near Savannah, GA), over Interstate Hwy 95, (22) between the junction of Interstate Hwy 85 and Interstate Hwy 95 (near Petersburg, VA), and Montgomery, AL, over Interstate Hwy 85, (23) between Charleston, SC, and Asheville, NC, over Interstate Hwy 26, (24) between Louisville, KY, and Washington, PA, from Louisville over Interstate Hwy 64 to Charleston, WV, then over Interstate Hwy 79 to Washington, and return over the same route, Serving all intermediate points, in routes (1) through (24) and serving, as off-route points in connection with routes in (1) through (24) points in Autauga, Calhoun, Colbert, Elmore, Etowah, Jefferson, Lauderdale, Limestone, (b) from Tupelo over U.S. Hwy 45 to the junction of U.S. Hwy 45 and U.S. Hwy 45E (near Fairview, TN), then over U.S. Hwy 45E to Fulton, KY, then over U.S. Hwy 45 to Effingham, and return over the same route, (13) between Tuskegee, AL, and Washington, DC, over U.S. Hwy 29, (14) between New Bern, NC, and Memphis, TN, over U.S. Hwy 70, (15) between Wilmington and Asheville, NC, over U.S. Hwy 74, (16) between Chattanooga and Memphis, TN, over U.S. Hwy 72, (17) between Williamston, NC, and Memphis, TN, over U.S. Hwy 64, (18) between the junction of Interstate Hwy 20 and Interstate Hwy 95 (near Florence, SC), and Tuscaloosa, AL, over Interstate Hwy 20, (19) between Greensboro, NC, and Memphis, TN, over Interstate Hwy 40, Madison, Marshall, Montgomery, Russell, St. Clair, Shelby, Tuscaloosa and Walker Counties, AL; Crittenden County, AR; Bib, Cryan, Butts, Catoosa, Chatham, Chattahoochee, Cherokee, Clayton, Cobb, Columbia, Columbus, Dade, DeKalb, Douglas, Effingham, Fayette, Forsyth, Fulton, Givinnett, Henry, Houston, Jones, Muscogee, Newton, Paulding, Richmond, Rockdale, Twiggs, Walker, and Walton Counties, GA; DeSoto County, MS; Franklin, Jefferson, St. Charles, and St. Louis Counties, MO; NC, SC, and TN. Authority is sought to tack with applicant's present authority at MC-59957; to interline at all common points; and to provide service to and from the Commercial Zones of all authorized points. There are 70 statements in support of this application which may be examined at the ICC Regional Office in Philadelphia, PA.

MC 153051 (Sub-II–3TA), filed January 5, 1981. Originally published in **Federal Register** dated January 26, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Rd., North Ridgeville, OH 44039. Representative: John L. Alden, 1396 W. 5th Ave., Columbus, OH 43212. *General commodities, except commodities in bulk,* between Cincinnati, OH and its Commercial Zone, on the one hand, and, on the other, points in IN and OH on and north of I–70, and points in MI and IL, for 270 days. Restricted to shipments having a prior or subsequent movement by rail. An underlying ETA seeks 120 days authority. Supporting shipper: Intermodal Brokerage Services, Inc., 5480 Ferguson, P.O. Box 22038, Los Angeles, CA 90022. The purpose of republication is to change on *the* north of I–70, to on *and* north of I–70.

MC 153474 (Sub-II–1TA), filed January 7, 1981. Originally published in **Federal Register** dated January 21, 1981. Applicant: WAYNE THOMAS, d.b.a. C & W TRUCKING, Box 59, Rt. 219, Luthersburg, PA 15848. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Contract, Irregular: *Printing inks, materials, equipment and supplies utilized in the manufacture and distribution of printing inks,* between Elk County, PA, on the one hand, and on the other, points in the Commercial Zones of Akron, OH, Appleton, WI, Chicago, IL, Cincinnati, OH, Cleveland, OH, Des Moines, IA, Detroit, MI, Holland, MI, Kalamazoo, MI, LaCrosse, WI, Louisville, KY, Milwaukee, WI, San Francisco, CA, Sioux Falls, SD, St. Louis, MO, St. Paul, MN, Waseca, MN, Youngstown, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ridgway Color Co., 75 Front St., Ridgway, PA 15853. The purpose of republication is to change Elk City, PA to Elk County, PA and to include Cleveland, OH which was omitted in first publication.

MC 143522 (Sub-II–5TA), filed January 26, 1981. Applicant: CONSOLIDATED CARRIERS, INC., 123 Sunrise Dr., Irwin, PA 15642. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in NY in and west of Jefferson, Oswego, Onondaga, Cortland and Broome Counties, on the one hand, and, on the other, points in the US (except AK and HI), moving on bills of lading of Empire State Shipper's Association, a nonprofit shipper association as defined in 49 U.S.C. 10562(3) for 270 days. Supporting shipper(s): Empire State Shipper's Association, P.O. Box 1185, Buffalo, NY 14240.

MC 44302 (Sub-II–2TA), filed January 26, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–26 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (same as applicant). Contract, irregular: *General Commodities, except class A and B explosives, Household Goods as defined by the Commission, and commodities in bulk,* between points in the states of CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Marcal Paper Mill, Inc., for 270 days. Supporting shipper: Marcal Paper Mills, Inc., 1 Market St., Elmwood Park, NJ 07407.

MC 110525 (Sub-II–21TA), filed January 27, 1981. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Lionville, PA 19353. Representative: Thomas J. O'Brien (same address as applicant). *General Commodities, in intermodal containers or trailers* between Freeport, TX and its commercial zone, on the one hand, and, on the other, Houston and Galveston, TX and their commercial zone. Restricted to truckloads with prior or subsequent movement by rail or water, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Shintech Inc., 5618 Highway 332, East, Freeport, TX 77541.

MC 153809 (Sub-II–1TA), filed January 29, 1981. Applicant: A & B DELIVERY, INC., 1817 Pittston Ave., Scranton, PA 18505. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *(1) Such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses, (2) materials, equipment and supplies used in manufacture and distribution of the commodities in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment)* (1) from Kennewick and Grandview, WA to points in CA, TX, NV, OR, AZ and NM; (2) on return, for 270 days. Supporting shipper(s): Welch Foods, Inc., 2 South Portage St., Westfield, NY 14787.

MC 148522 (Sub-II–7TA), filed January 29, 1981. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Malt beverages, in containers,* from South Volney Township, NY, Eden, NC and Albany, GA to Monmouth County, NJ; from South Volney Township, NY to Luzerne County, PA and Paterson, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Point Pleasant Distributor's, Inc., 319 Hawthorne Ave., Point Pleasant Beach, NJ; Premium Brands, 185 S. River St., Plains, PA 18705; Trip Distribution Co., Paterson, NJ.

MC 153604 (Sub-II–1TA), filed January 29, 1981. Applicant: ATLANTIC COAST ENVIRONMENT, INC.; P.O. Box 114, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Industrial waste, moving to approved dump sites,* between points in PA, NJ, MD, DE, AL, VA, CT, NY, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Enterprise Steel Drum Corp., Berlin, NJ; Troy Chemicals, Newark, NJ; American Recovery Co., Baltimore, MD.

MC 153810 (Sub-II–1TA), filed January 29, 1981. Applicant: FOUST TRUCKING, INC., 8466 Crestway, Clayton, OH 45315. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. (1) *Sheet Metal Products* between points in Kane, DuPage, Lake, Cook, and Will Counties, IL on the one hand, and, on the other, points in OH; and (2) *Canned Goods* between points in OH on the one hand, and, on the other, points in IL and Kenosha, Racine, Milwaukee, Ozaukee, Washington, Dodge, Jefferson, Waukesha, Walworth, Rock, Green, Dane, and Columbia Counties, WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Unistrut Division of D.E.F. Industries, Inc., 1865 Radio Rd., Dayton, OH 45431; F. L. Purdy Co., 655 N. Cassidy Ave., Columbus, OH 43219; Unistrut Toledo, Inc., P.O. Box 236, Willys Day Industrial Park, Building #10, Oregon Rd., Perrysburg, OH 43551; Hirzel Canning Co., 411 Lemoyne Rd., Northwood, OH 43619.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 144300 (Sub-3–2TA), filed January 23, 1981. Applicant: J & D TRUCKING, INC., 2985 Meadow Avenue, Ft. Myers, FL 33901. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Carpet backing and industrial fabrics and the equipment, materials and supplies used in the manufacture, sale and distribution of the above commodities (except in bulk),* between the facilities of Amoco Fabrics Company, located in or near Roanoke, AL; Nashville, GA; Hazelhurst, GA, and Bainbridge, GA, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Amoco

Fabrics Company, P.O. Box 836, Hazelhurst, GA 31539.

MC 153679 (Sub-3–1TA), filed January 21, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201 25th Ave. N., Nashville, TN 37202. Representative: J. Greg Hardman, 618 United American Bank Building, Nashville, TN 37219. *Contract:* (1) *Apparel, or other finished textile products and materials, equipment, and supplies used in the manufacture and distribution of these commodities* between points in the U.S. under a continuing contract with Horace Small Manufacturing Co. of Nashville, TN; (2) *General commodities (except household goods as defined by the Commission and classes A & B explosives)* between points in the U.S. under a continuing contract with American Paper & Twine Co. of Nashville, TN. Supporting shippers: Horace Small Manufacturing Co., 350 28th Ave. N., Nashville TN 37209; American Paper & Twine Co., 7149 Centennial Blvd., Nashville, TN 37209.

MC 153132 (Sub-3–1TA), filed December 11, 1980. Republication—originally published in **Federal Register** of January 12, 1981 page 2746, volume 46, No. 7. Applicant: TWO-LO EXPRESS, INC., One Notre Dame Drive, Greenville, SC 29609. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Textiles and textile products; power tools; automobile passenger tires and truck tires; home furnishings; and material, equipment and supplies* used in the manufacture and distribution of the above between pts. in Greenville, Pickens, Anderson, Spartanburg, Lexington, and Greenwood Counties, SC. Restricted to transportation of traffic having immediate prior or subsequent movement by rail. Supporting shippers: Michelin Tire Corp., P.O. Box 2846, Greenville, SC; J. P. Stevens and Company, Inc., Whitehore Road Industrial Park, Greenville, SC; Commercial Affiliates, Inc., P.O. Box 3707, Greenville, SC; Woodside Division, Dan River, Inc., P.O. Box 6126, Station B, Greenville, SC; and Singer Manufacturing Corp., Pickens, SC.

MC 152645 (Sub-3–2TA), filed January 26, 1981. Applicant: GASTON MOTOR LINES, INC., P.O. Box 3896, Gastonia, NC 28052. Representative: Robert M. Brown (same address as applicant). *Contract Carrier: irregular routes: textiles, textile fibers, yarn, in straight or mixed shipments; maximum weight 45,000 pounds per vehicle,* from the facilities of Concord Fibers, Inc., Jamestown, SC to Seattle, WA; under a continuing contract(s) with Concorde Fibers, Inc., P.O. Box 98, Jamestown, SC 29453.

MC 153748 (Sub-3–1TA), filed January 26, 1981. Applicant: DANDY TRUCKING, INC., 1035 Donnelly Avenue SW., Atlanta, GA 30310. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in or used by producers and distributors of sugar, corn and salt products,* between the facilities of Dandy Distributors, Inc., at or near Atlanta, GA, on the one hand, and, on the other, points in and east of the states of ND, SD, NE, KS, OK and TX. Supporting shipper: Dandy Distributors, Inc., 1035 Donnelly Avenue, SW., Atlanta, GA 30310.

MC 103051 (Sub-3–1TA), filed January 27, 1981. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 99408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). *Commodities, in bulk, in tank vehicles* between points in U.S. Supporting shipper: Natrochem, Inc. P.O. Box 1205, Savannah, GA 31498.

MC 146447 (Sub-3–3TA), filed January 23, 1981. Applicant: TANBAC, INC., P.O. Box 22566, Ft. Lauderdale, FL 33335. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Contract* carrier: irregular: *Such commodities as are dealt in by a printer and distributor of magazines, periodicals and printed matter,* between the facilities of A. D. Weiss Lithograph Company, Inc., in Broward County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with A. D. Weiss Lithograph Company, Inc. Supporting shipper: A. D. Weiss Lithograph Company, Inc., 2025 McKinley Street, Hollywood, FL 33020.

MC 140334 (Sub-3–2TA), filed January 27, 1981. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO. *Contract carrier,* irregular routes: *Such commodities as are dealt in and used by manufacturers and distributors of tubing, hose and ducts (except commodities in bulk),* between the facilities of Automation Industries, Inc., Flexible Tubing Division, at Abbeville, SC on the one hand, and, on the other, points in CA, CT, MA, NJ and NY under continuing contract(s) with Automation Industries, Inc., Flexible Tubing Division of Abbeville, SC. Supporting shipper: Automation Industries, Inc., Flexible Tubing Division, P.O. Box 868, Abbeville, SC 29620.

MC 153509 (Sub-3–6TA), filed January 27, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY. 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY. 40202. *Contract:* irregular: *textile products; supplies and equipment used in the manufacture and distribution of these textile products,* between points in KY, on the one hand, and, on the other, points in the United States under continuing contract with Union Underwear Company, Inc. Supporting shipper: Union Underwear Company, Inc., P.O. Box 780, Bowling Green, KY. 42101.

MC 144989 (Sub-3–3TA), filed January 28, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205. *Contract carrier:* irregular: (1) *Such commodities as are dealt in or used by Textile Manufacturing companies, and* (2) *materials equipment and supplies used in the manufacturing, sale and distribution of the commodities named in (1) above (except in bulk),* between points in GA Counties of Bartow, Catoosa, Cobb, Floyd, Gilmer, Gordon, Murray and Whitfield, and the TN County of Hamilton, on the one hand, and, on the other, points in the U.S. (except AK and HI). There are 8 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 138609 (Sub-3–2TA), filed January 28, 1981. Applicant: PLANTATION TRANSPORT COMPANY, 1122 West Oglethorpe Avenue, P.O. Box 2044, Albany, GA 31702. Representative: Robert L. Arnold (same address as applicant). *Treated & untreated lumber, plywood & partical board* between Morgan, Early, Stewart, Fulton, Clayton, Dougherty counties GA & AL, FL, TX, MS, KY, LA, GA, SC, NC, VA, TN. Supporting shipper: D&D Wood Preserving, Inc., P.O. Box 1802, Albany, GA. 31702 & Atlanta Wood Remanufacturing Co., Sampler Way, Atlanta, GA.

MC 140460 (Sub-3–1TA), filed January 28, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, NW., Washington, DC 20006. (1) *Air conditioners, heating equipment, air cleaners, humidifying equipment, and furnaces; and (2) materials, equipment and supplies used in the manufacture, distribution, and repair of those commodities named in (1),* from the facilities of Fedders Corp. at or near Edison, NJ to points in and east of MN,

IA, MO, AR, and TX. Supporting shipper: Fedders Corp., Woodbridge Avenue, Edison, NJ 08817.

MC 2934 (Sub-3–28TA), filed January 28, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 300 E. Fall Creek Pkwy., Suite 403, Indianapolis, IN 46205. (1) *Carpet and floor coverings, materials, equipment and supplies* used in the installation and processing of carpet and floor coverings from points in GA and SC to points in the U.S. in and East of the states of TX, OK, NE, KS and MN, and (2) *Carpet and floor coverings, materials, equipment and supplies* used in the manufacturing, packaging, distribution and sale of carpet and floor coverings from points in the destination territory named in (1) above, to points in GA and SC. Supporting shipper: Bigelow-Sanford, Inc., P.O. Box 3089—I–85 & White Horse Road, Greenville, SC 29602.

MC 153775 (Sub-3–1TA), filed January 28, 1981. Applicant: CHA–HA FREIGHT SYSTEMS, I–85 and N.C. 6, P.O. Box 20022, Greensboro, NC 27420. Representative: Charles E. Hadley (same address as applicant). *Filters and materials, equipment, and supplies used in the manufacture of filters*, between the facilities, warehouses and installations of Facet Enterprises, on the one hand, and, on the other, points within the US, excluding AK and HI. Supporting shipper: Facet Enterprises, P.O. Box 1637, Henderson, NC 27536.

MC 144964 (Sub-3–5TA), filed January 28, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Prompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street NW., Washington, D.C. 20037. *Contract carrier:* Irregular. *Dried macaroni* from South Hackensack, NJ to Miami and Tampa in FL and to New Orleans, LA. under a continuing contract with LaRinacente Macaroni, South Hackensack, NJ. Supporting shipper: LaRinacente Macaroni, 41 James Street, South Hackensack, NJ 07606.

MC 146293 (Sub-3–30TA), filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd. NE., Atlanta, GA 30320. *Such commodities as are dealt in or used by manufacturers of batteries (except in bulk)*, between points in the US, restricted to traffic originating at or destined to facilities of Eltra Corporation and C&D Batteries Division of Eltra Corporation. Supporting shipper: C&D Batteries Division of Eltra Corporation, 1835 Industrial Blvd., Conyers, GA 30207.

MC 152878 (Sub-3–1TA), filed January 30, 1981. Applicant: LEXINGTON CARTAGE COMPANY, 2180 Young Drive, P.O. Box 1778, Lexington, KY 40593. Representative: Herbert D. Liebman, 403 West Main Street, P.O. Box 478, Frankfort, KY 40602. *Contract carrier:* irregular routes: *such commodities as are dealt in by wholesale, retail and chain drug, grocery and food business houses, and materials, equipment used in the manufacture and distribution of the above described commodities* between points in the states of KY, OH, PA and WV. Under continuing contracts with The Procter & Gamble Distributing Co., The Procter & Gamble Manufacuturing Co. Supporting shipper: The Procter & Gamble Distributing Co., The Procter & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, OH 45201.

MC 147127 (Sub-3–12TA), filed January 29, 1981. Applicant: McLAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., Esquire, Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Chainsaws and parts for chainsaws*, between points in Gaston County, NC, on the one hand, and, on the other, Savannah, GA and Charleston, SC. Supporting shipper: Homelite, A Textron Division P.O. Box 1500, Gastonia, NC 28052.

MC 152664 (Sub-3–1TA), filed January 29, 1981. Applicant: TOMBIGBEE TRANSPORT CORP., P.O. Box 412, Industrial Park, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Automobile carpet pads, mattress felt, mattress padding, batting, batts, wadding and polyester fibers* from facilities of Burkart Randall Div., Textron, Inc. at or near Henderson, NC to points in TN, MS, AL, LA, and AR. Supporting shipper: Burkart Randall Div., Textron, Inc., P.O. Box 80, Henderson, NC 27536.

MC 109026 (Sub-3–6TA), filed January 2, 1981. Republication—originally published in **Federal Register** of 01/12/81, page 2747, volume 46, No. 7. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. *General Commodities (except Classes A and B explosives and household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Barren County, KY on the one hand, and on the other, points in the US, except AK and HI. Supporting shipper(s): There are 15 certificates of support submitted with this application that can be reviewed at the Atlanta, GA regional office.

Note.—Applicant intends to tack with its existing authority under MC 109026 and subs at Barren County, KY and interline at Nashville, TN and Louisville, KY.

MC 153555 (Sub-3–1TA), filed January 30, 1981. Applicant: LEEVAN LEASING CORP., P.O. Box 35087, Fayetteville, NC 28303. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *1-(a)Malt beverages, and related advertising materials, (b)-materials, equipment, and supplies used in the production, sale, and distribution of malt beverages, and empty returned malt beverage containers*, between the Baltimore, MD Commercial Zone, Toledo, OH Commercial Zone, and Detroit, MI, on the one hand, and, on the other, points in NC and Brunswick and Savannah, GA, and, between the Charleston, SC Commercial Zone, New York, NY Commercial Zone, Norfolk, VA Commercial Zone, Evansville, IN, Hammonton, NJ, and Morehead City and Wilmington, NC, on the one hand, and, on the other, Fayetteville and Hamlet, NC, and Brunswick and Savannah, GA. Supporting shippers: Bryan Wholesale Co., Inc., 402–406 Airport Rd., New Bern, NC, Ziglar Distributing Co., 3121 Starlight Drive, Winston Salem, NC 27107, Carey Wholesale Co., Inc., 5600 Hillsborough Rd., Raleigh, NC 27606, Cunningham Wholesale Co., Inc., 901 Berryhill Rd., Charlotte, NC 28232, Sullivan Wholesale, Inc., 954 Country Club Drive, Fayetteville, NC 28303.

MC 150328 (Sub-3–2TA), Filed January 30, 1981. Applicant: SHAFER TRUCKING COMPANY, INC., 4726 Ball Camp Pike, Knoxville, TN 37921. Representative: Phyllis Shafer (same address as applicant). *Contract carrier:* irregular: *Concrete pipe, conduits, manholes*, from facilities utilized by the Hermitage Concrete Pipe Co. and Knoxville Concrete Pipe and Products Company at or near Knoxville, TN to points in GA, KY, NC, SC, TN, VA and WV. Supporting shippers: Hermitage Concrete Pipe Co., 3411 Huron, Knoxville, TN 37917; and Knoxville Concrete Pipe Co., 6209 Old Rutledge Pike, Knoxville, TN, 37914.

MC 152458 (Sub-3–2TA), Filed January 30, 1981. Applicant: KNOWLES TRUCKING CO., INC., P.O. Box 309, Tyrone, GA 30290. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Synthetic knitted piece goods and woven goods*, Between Salt Lake City, UT on the one hand and points in the U.S. on the other.

Supporting shipper: Pyke Manufacturing Co., 1025 South 700 West, Salt Lake City, UT 84014.

MC 115831 (Sub-3–3TA), Filed January 30, 1981. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Liquefied petroleum gas* from Apex, NC to Chesapeake, Norfolk, and Newport News, VA. Supporting shipper(s): Ray Energy Company, 711 Polk, Suite 1102, Houston, TX 77002.

MC 153814 (Sub-3–1TA), Filed January 30, 1981. Applicant: AMERICA CHARTERS, LTD., Hwy. 321 North, P.O. Box 535, Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Passengers and their baggage, in special and charter operations, in round trip tours,* beginning and ending at points in Gaston and Cleveland Counties, NC, and extending to all points in the U.S. Supporting shippers: There are five statements of support which may be examined at the ICC Regional Office, Atlanta, GA.

MC 75840 (Sub-3–54TA), filed January 29, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in and east of MN, MO, IA, AR, and LA, on the one hand, and, on the other, points in the US, restricted to the transportation of shipments having a prior, subsequent or intermediate movement by water or rail. There are fifteen (15) supporting shipper statements attached to this application which may be reviewed at the Interstate Commerce Commission Regional Office in Atlanta, GA.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 145225 (Sub-4–1TA), filed January 26, 1981. Applicant: GAULCO, LTD., 1700 Church Ave., Winnipeg, Manitoba, CN R2X 2W9. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. *Pet foods,* from Perham, MN to points on the U.S.-Canada border located at Noyes, MN, Pembina, ND, Sweetgrass, MT, Port Huron, Detroit and Sault St. Marie, MI, under continuing contract with Tuffy's Pet Foods, a Division of Starkist Foods, Inc. Supporting shipper: Tuffy's Pet Foods, P.O. Box 190, Perham, MN 55573.

MC 146314 (Sub-4–6), filed January 23, 1981. Applicant: G & T TRUCKING CO., County Road 2 and I–35, Elko, MN 55020. Representative: Thomas Zwiers (same as above). *Liquid Fertilizer* (1) From Shakopee, MN to points in IA, IL, KS, NE, WI and (2) From Joliet, IL to points in IA, IN, MI, MN, MO and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Conklin Company, Shakopee, MN.

MC 133703 (Sub-4–1TA), filed January 26, 1981. Applicant: WCS, INC., 770 North Springdale Road, Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Printed matter and materials, equipment and supplies used or useful in the manufacture, sale or distribution of printed matter* between the facilities of Columbian Artworks, Inc. at or near Milwaukee, WI and Memphis, TN on the one hand, and on the other hand all points in the U.S. (except AK and HI). An underlying ETA seeks 120 day authority. Supporting shipper, Columbian Artworks, Inc., 5700 West Bender Court, Milwaukee, WI 53218.

MC 143776 (Sub-4–18TA), filed January 26, 1981. Applicant: C.D.B., INC., 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *General commodities, (except Class A and B explosives),* between points in the United States on traffic originating and/or destined to facilities utilized by Acme Burgess. Supporting shipper: Acme Burgess, Route 83, Grayslake, IL 60030.

MC 118138 (Sub-4–2), filed January 27, 1981. Applicant: BENEFIELD BROTHERS INC., P.O. Box 2087, Terre Haute, IN 47802. Representative: Gerry M. Blaker, P.O. Box 2087, Terre Haute, IN 47802. *Bananas* from Mobile, AL, Tampa, FL, Charleston, SC, and Galveston, TX to Terre Haute, IN. Supporting shipper: Drake Produce, 325 N. 2nd Street, Terre Haute, IN 47807.

MC 153731 (Sub-4–1TA), filed January 26, 1981. Applicant: RICHARD D. VEST, d.b.a. VEST EXCAVATING, Box 801, R.R. No. 3, Collinsville, IL 62234. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract* Irregular: *Sand, lime, silicon metal and silica sand,* from Pacific, Peveley and St. Genevieve, MO, Powhatan, OH and Selma, AL to Alton and Hartford, IL. Restricted to traffic moving under continuing contracts with Chemetco, Inc. Supporting shipper: Chemetco, Inc., Rte. 3 and Oldenburg Road, Hartford, IL 62048.

MC 151258 (Sub-4–1TA), filed January 26, 1981. Applicant: DAWES TRANSPORT, INC., 8704 West Bonnewell Road, Mequon, WI 53092. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring refrigeration, commodities requiring special equipment, self-propelled articles, agricultural equipment, and cast stone veneer), between points in WI, on the one hand, and, on the other, points in CA; Restriction: No service shall be performed to or from the facilities of the Kohler Company at Kohler, WI. An underlying ETA seeks 120 days authority. There are five (5) shippers.

MC 95876 (Sub-4–11TA), filed January 27, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Street, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Machinery,* which, because of size or weight requires the use of special equipment and (2) *parts and accessories* for the commodities in (1) above; between the commercial zone of Norfolk, VA on the one hand, and, on the other, points in the U.S. (except Hawaii). Supporting shippers: R & L Machine Shop, Inc., 2900 Yadkin Road, Cheasapeake, VA 23323; Hydrapower Corporation, 3541 Argonne Avenue, Norfolk, VA, 23509 and American GFM Corporation, 1200 Cavalier Blvd., Cheasapeake, VA 23323.

MC 118696 (Sub-4–33TA), filed January 26, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Packaing materials,* (2) *wood excelsior and products thereof,* (3) *materials, equipment and supplies* used in the manufacture, distribution and sale of the commodities set forth in (1) and (2) above: Between Barron County, WI; Marinette County, WI; Denver, CO and its commercial zone; Sheboygan County, WI; Chicago, IL and its commercial zone; Minneapolis and St. Paul, MN and their commercial zones; Detroit, MI and its commercial zone, Pittsburgh, PA and its commercial zone; Cincinnati, OH; St. Louis, MO; Oklahoma City, OK; Tarrant County, TX; and Boston, MA and its commercial zone, on the one hand, and, on the other, points in and east of the states of ND, SD, NE, CO, NM, and TX; and (4) *carpet padding, mats, rugs, and*

carpets, between points in and east of the states of ND, SD, NE, CO, NM, and TX. Supporting shipper: American Excelsior Company, P.O. Box 5067, Arlington, TX 76011.

MC 153746 (Sub-4–1), filed January 26, 1981. Applicant: WOLVERINE MOTOR EXPRESS, INC., 6807 Dunes Hwy., P.O. Box 2486, Gary, Indiana 46403. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602. *Iron and steel articles, and material, equipment, and supplies used in their manufacture, sale, and distribution, and machinery N.O.I., excluding commodities in bulk in dump vehicles*, between IL, IN, OH, MI, WI, and KY. Supporting shippers: There are ten supporting shippers.

MC 151168 (Sub-4–2TA), filed January 26, 1981. Applicant: STEPHEN W. KETCHUM, d.b.a., KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Motorcycles and all terrain vehicles*, between Chicago, IL and points within its commercial zone on the one hand, and on the other points in WI and MI. Supporting shipper: Unit Distribution, Inc., 6558 West 73rd Street, Bedford Park, IL 60638.

MC 105159 (Sub-4–11TA), filed January 26, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Foodstuffs* from Northfield, MN to points in TX, MT and LA. Supporting shipper: Malt-O-Meal Company, 319 South Water Street, Northfield, MN 55057.

MC 133689 (Sub-4–63TA), filed January 26, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic Articles*, from Leominister, MA to points in the U.S. Supporting shipper: Canchem Corp., 29 Main Street, Leominister, MA 01453.

MC 136713 (Sub-4–3TA), filed January 26, 1981. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road NE., Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2–A, Grand Rapids, MI 49503. *Liquified petroleum gas*, in bulk, in tank vehicles, between points in MI, OH, PA, NH, NY, CT, NJ, MA, MD, RI and VT An underlying ETA seeks 120 day authority. Supporting shippers: there are six supporting shippers.

MC 153744 (Sub-4–1TA), filed January 26, 1981. Applicant: JOSEPH S. MICELI, d.b.a. M&M MOTOR SERVICE, 1720 Algonquin Rd., Mount Prospect, IL 60056. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle St., Chicago, IL 60602. *Steel pipe and materials, equipment, and supplies used in the manufacture and distribution of steel pipe*, between the facilities of Maylor Pipe Company at Chicago, IL, on the one hand, and, on the other, points in IA, IN, KY, MI, MO, OH, TN, and WI. Supporting shipper: Naylor Pipe Company, 1230 East 92nd Street, Chicago, IL 60619.

MC 147415 (Sub-4–2TA), filed January 27, 1981. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58502. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Iron and Steel Articles*, from Portland, OR, to points in the U.S. (except AK and HI). An underlying ETA seeks 120-day authority. Supporting shipper(s): Deall Pipe, Inc., Box 03310, 12005 North Burgard, Portland, OR 97203.

MC 98154 (Sub-4–1TA), filed January 27, 1981. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 E. Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Such commodities as are dealt in by retail department stores* (1) from the facilities of Montgomery Ward & Co., Inc., Eaton County, MI to the stores of Montgomery Ward & Co., Inc. at Lima, Middletown and Piqua, OH and their respective commercial zones with a right of return of damaged, rejected or returned merchandise; (2) between the facilities of Montgomery Ward & Co., Inc. located in Eaton County, MI and St. Joseph County, IN. An underlying ETA seeks 120-day authority. Supporting shipper: Montgomery Ward & Co., Inc., P.O. Box 7337, Chicago, IL 60680.

MC 153757 (Sub-4–1TA), filed January 27, 1981. Applicant: THOMAS R. HUSTON, d.b.a. HUSTON TRUCK LINE, RFD 3, Airport Rd., Benson, MN 56215. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier*, irregular routes: *Iron and steel articles*, between points in the United States under contract to Dokken Machine Works, Inc. Supporting shipper: Dokken Machine Works, Inc., P.O. Box 126, Benson, MN 56215.

MC 148029 (Sub-4–1TA), filed January 27, 1981. Applicant: DORMAN TRANSPORT CORP., 105 3rd Street, Monroe, WI 53566. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Contract carrier*, irregular routes: *Food and related products*, between Syosset, NY and Monroe, WI on the one hand, and, on the other, points in CA, restricted to a transportation service to be performed under contract with N. Dorman & Co., Inc. of New York, N. Dorman & Co., Inc. of Wisconsin, Neptune Custom Cut Corp., Jeffery Cheese Company, and Hickory Cheese Company. Supporting shipper(s): N. Dorman & Co., Inc. of Wisconsin, 105–3rd Street, Monroe, WI 53566; Neptune Custom Cut Corporation, 1105–11th Avenue, Neptune, NJ 07753; N. Dorman & Co., Inc. of New York, 125 Michael Drive, Syosset, NY 11791; Hickory Cheese Company, Inc., 105–3rd Street, Monroe, WI 53566; Jeffery Cheese Company, Inc., 105–3rd Street, Monroe, WI 53566.

MC 153757 (Sub-4–2TA), filed January 27, 1981. Applicant: THOMAS R. HUSTON, d.b.a. HUSTON TRUCK LINE, RFD 3, Airport Rd., Benson, MN 56215. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract Irregular: Heavy machinery and supplies*, (1) Between points in the U.S. under contract to (a) Benson Machine Company (b) Jacobson-Peterson, Inc., (c) Bertas, Inc., and (d) Stevens County Implement and (e) Davis Equipment Corp. (2) From Cherokee and Des Moines, IA: Detroit, MI, Jamestown, ND and Benson, MN to ports of entry in MN for furtherance to Canada under contract to Benson Machine Company. Supporting shippers: There are five shippers.

MC 143280 (Sub-4–4TA), filed January 27, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue, South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Noodles and materials, supplies and equipment used in the manufacture of noodles*, between Cando, ND, on the other hand, and, on the other, points in the United States. Supporting shipper: Noodles by Leonardo, Cando, ND 58324.

MC 143032 (Sub-4–4TA), filed January 27, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. (1) *Hardboard*, from Duluth and Bemidji, MN; Phillips, WI and North Little Rock, AR, to points in the U.S. in and east of ND, SD, NE, KS, OK and TX; and (2) *Equipment, materials and supplies used in the manufacture of hardboard*, from points in the United States in and east of

ND, SD, NE, KS, OK and TX to the origin points named in part (1) above, an underlying ETA seeks 120 days authority. Supporting shipper: Superwood Corporation, Box 6267, Duluth, MN 55806.

MC 153756 (Sub-4–1TA), filed January 27, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, Highway 34 and Reed Street, Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Hazardous chemical waste*, from points in IL in the Chicago, IL commercial zone, and points in Eau Claire County, WI, to points in Owyhee County, ID, points in Bureau County, IL, and points in Nye County, NV. (2) Hazardous chemicals for reclamation purposes, from points in IL in the Chicago, IL commercial zone, to points in Eau Claire County, WI. Applicant holds hazardous material permit issued by EPA. Supporting shipper: Waste Research and Reclamation Co., Inc., Route #7, Eau Claire, WI 54701.

MC 110053 (Sub-4–2TA), filed January 26, 1981. Applicant: ILLINOIS STATE MOTOR SERVICE, INC., 1800 W. 31st St., Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Iron and steel, iron and steel articles*, from Lake and Porter Counties, IN to Moline, IL. Supporting shipper: Allis-Chalmers Corp., Milwaukee, WI 53201.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 52460 (Sub-5–27TA), filed January 26, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *(1) Malt Beverages and related advertising materials, (2) Empty used Beverage containers and materials and supplies used in and dealt with by Breweries.* (1) From Jefferson County, CO., to points in LA, MS, and TN, (2) From points in LA, MS, and TN, to Jefferson County, CO. Supporting shipper: Adolph Coors, Co., Golden, CO. 80401.

MC 60066 (Sub-5–7TA), filed January 26, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: James F. Crosby, James F. Crosby & Associates, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. *Non-exempt food or kindred products*, from the facilities of Standard Brands, Inc., and/or its subsidiaries, located in Chicago, IL (and pts in its commercial zone), to pts in IA and NE. Supporting shipper: Standard Brands, Inc., 7001 S. Harlem Avenue, Bedford Park, IL 60638.

MC 67234 (Sub-5–13TA), filed January 26, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. *Furniture or Fixtures*, between the facilities of Carter-Hoffmann Corporation, Mundelein, IL on the one hand, and on the other, points and places in the U.S. Supporting shipper(s): Carter-Hoffmann Corporation, 1551 McCormick Avenue, Mundelein, IL 60060.

MC 78400 (Sub-5–17TA), filed January 26, 1981. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. (1) *Garden and shop tools as are dealt in by hardware stores, and (2) Materials, equipment, supplies, and component parts, used in the manufacture and distribution of the commodities named in (1) above* Between Jefferson City, MO, on the one hand, and, on the other, points in OH, IL, OR, IA, AR, MN, WA, WI, and FL. Supporting shipper: BenchMark Tool Company, 2601 Industrial Dr., Jefferson City, MO 65101.

MC 100666 (Sub-5–12TA), filed January 26, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). (1) *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery, and lawn and leisure products, (except commodities in bulk)*, and (2) *materials, equipment and supplies used in the manufacturing and distribution of the commodities described in part (1) above, (except commodities in bulk)*, (a) from San Antonio, TX, to points in TX, restricted to traffic having a prior movement by rail. Supporting shipper: International Harvester Company, 401 North Michigan Avenue, Chicago, IL 60611.

MC 106398 (Sub-5–57TA), filed January 26, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Building Materials:* Between points in St. Louis Co., MN; Beltrami Co., MN; Price Co., WI; and Pulaski Co., AR, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Superwood Corporation, P.O. Box 6267, Duluth, MN 55806.

MC 107496 (Sub-5–53TA), filed January 26, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Ink and Ink Ingredients, in bulk*, between Campbell County, VA and Catawba County, NC. Supporting shipper: Meredith Printing Div. Meredith Corporation, 1716 Locust Street, Des Moines, IA 50309.

MC 107496 (Sub-5–54TA), filed January 26, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Building materials & supplies, & materials & supplies used in their manufacture or distribution*, between Hennepin County, MN, on the one hand, and on the other, pts in IA, ND, SD, WI & MI. Supporting shipper: Masonite Corporation, 220 W. 81st St., Bloomington, MN 55420.

MC 109397 (Sub-5–28TA), filed January 26, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Hazardous waste*, from Baltimore, MD to Emelle, AL. Supporting shipper: Bohager-Goodhues, Inc., 515 South Eden, Baltimore, MD 21231.

MC 115730 (Sub-5–4TA), filed January 26, 1981. Applicant: THE MICKOW CORP., 531 S.W. Sixth Street, P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *Metal articles*, between pts in Richland County, OH and Starke County, IN on the one hand, and on the other, pts in AR, AZ, CA, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA, and WY. Supporting shipper: Ohio Steel Tube, 140 West Main Street, Shelby, OH 44875.

MC 129908 (Sub-5–42TA), filed January 26, 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *General Commodities (except those of unsual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in the U.S. (Restricted to traffic originating at or destined to facilities utilized by the Brunswick Corporation). Supporting shipper: Brunswick Corporation, One Burnswick Plaza, Skokie, IL 60077.

MC 133119 (Sub-5–3TA), filed January 26, 1981. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. (1) *Malt beverages and related advertising materials,* from Jefferson County, CO to points in TN, LA and MS, and (2) *empty use beverage containers and materials and supplies used in and dealt with by breweries,* from TN, LA and MS to Jefferson County, CO. Supporting shipper: Adolph Coors Co., Golden, CO. 80401.

MC 144603 (Sub-5–36TA), filed January 26, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same addres as applicant). *Primary metal products; including galvanized; except coating of other allied processing; fabricated metal products; except ordnance* from the facilities of Ashdee Division of George Koch Sons, Inc. at or near Evansville, IN to all pts in the U.S. (except AK and HI). Supporting shipper: Ashdee Division of George Koch Sons, Inc., P.O. Box 358, Evansville, IN 47744.

MC 145904 (Sub-5–8TA), filed January 26, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., Olsen, Snelling, & Christensen, P.A 5200 Willson Road Suite 307, Edina, MN 55435. *Food or kindred products as set forth and revises STCC major industrial grouping* between points in the St. Louis, MO commercial zone on the one hand, and, on the other, pts in IL, IN, IA, KS, MI, MN, NE, OH, SD, and WI. Supporting shipper: Sunmark, Inc., 10975 Watson Road, St. Louis, MO 63127.

MC 147378 (Sub-5–4TA), filed January 26, 1981. Applicant: BAMA TRANSPORTATION COMPANY, INC. 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Articles dealt in and sold by food distribution centers, grocery store chains, fast food outlet and discount stores,* between Kansas City, MO and Kansas City, KS, on the one hand, and, on the other, points in the U.S. (except AK, HI). Supporting shipper: Commercial Distribution Center, Inc., P.O. Box 477, 1600 East Truman Road, Independence, MO 64051.

MC 149285 (Sub-5–1TA), filed January 26, 1981. Applicant: GO TRANSPORT & DELIVERY SERVICE, INC., P.O. Box 7232, Houston, TX 77008 (a minority enterprise). Representative: (same as applicant). *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) which are at the time moving on bills of lading issued by Acme Fast Freight, Inc., ABC–TNT National Transport, Inc.,* between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and WY. Supporting shippers: Acme Fast Freight, Inc., ABC–TNT National Transport, Inc., 2110 Alhambra Ave., Los Angeles, CA 90031.

MC 149553 (Sub-5–3TA), filed January 26, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Millwork products and doors and materials, equipment, and supplies used in the manufacture, sale, and distribution of the aforementioned* between the facilities of Ponderosa Products, Inc. at El Paso, TX on the one hand and points in OK, TX, LA, CO, NM, UT, KS, and IA on the other. Supporting shipper: Ponderosa Products, 3725 Montana Avenue, El Paso, TX 79903.

MC 153328 (Sub-5–1TA), filed January 26, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Heaters, furnaces, grills and parts therefore and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Mt. Vernon, IL on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Locke Stove Company, 114 West 11th Street, Kansas City, MO 64105.

MC 153392 (Sub-5–2TA), filed January 26, 1981. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract: Irregular. *Furniture, appliances and carpet,* from pts. in the U.S. to Des Moines and Cedar Rapids, IA, under contract with Pidgeon's Furniture & Appliance Stores, Inc. Supporting shipper: Pidgeon's Furniture & Appliance Stores, Inc., 2701 Pidgeon Drive, Des Moines, IA 50313.

MC 153414 (Sub-5–1TA), filed January 26, 1981. Applicant: U.S. POLLUTION CONTROL, INCORPORATED, 2000 Classen Center, Suite 30, Oklahoma City, OK 73106. Representative: Michael H. Lennox, 8903 N. Western Avenue, Oklahoma City, OK 73114. *Hazardous waste materials and solvents for disposal and recycling,* between points in the U.S. except AK and HI. Supporting shippers: Highland Pump Company, P.O. Box 85, Judson, TX 75660. Pryor Foundry, Inc., P.O. Box 549, Pryor, OK 74361. Public Service Company of Oklahoma, 212 E. 6th St., Tulsa, OK 74119.

MC 153745 (Sub-5–1TA), filed January 26, 1981. Applicant: DEGASE, MIKE AND JOHN d.b.a. DEGASE BROTHERS, 721 South Market, Maryville, MO 64468. Representative: Roger Degase, 721 South Market, Maryville, MO 64468. Contract: Irregular. *Sack feed, soybean meal, bulk soybean meal and salt,* from points in NE, AR, KS, IA, and SD to Maryville, MO. Supporting shipper: Farmers Produce and Feed Co., 215 W. 4th Maryville, MO 64468.

MC 153749 (Sub-5–1TA), filed January 26, 1981. Applicant: REPUBLIC GYPSUM COMPANY, P.O. Drawer C, Duke, OK 73532. Representative: David L. Ross (same as applicant). *Building materials and supplies used in the manufacture thereof,* from the facilities of Georgia Pacific, at Huttig, AR, Glenwood, AR, and Stamps, AR. From the facilities of Weyerhauser, at Dierks, AR, and Murfreesboro, AR. From the facilities of Manville Forest Products, at Huttig, AR, and Winnfield, LA. From the facilities of Kirby Forest Products, at Carrigan, TX., and Silsbee, TX. From the facilities of Willimitte Industries, at Mindon, LA, Ruston, LA, Monroe, LA, and Emerson, AR. From the facilities of Temple Industries, at Diboll, TX. From the facilities of Anthony Forest Products, at Malburn, AR, Wright City, OK, and Crossett, AR to points and places in TX, and OK. Supporting shippers: Fry Wholesale Lumber, Inc., 10808 Bekay St., Dallas, TX. Metro Lumber Wholesale Company, Inc., 3717 Miller Park Drive, Garland, TX. Fox Building Supply, Inc., 511 S.E. 89th, Oklahoma City, OK.

MC 109397 (Sub-5–29TA), filed January 27, 1981. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Hazardous waste,* from St. Louis, MO to Zionsville, IN. Supporting shipper: Mallinckrodt, Inc., 3600 North 2nd Street, St. Louis, MO 63147.

MC 111231 (Sub-5–20TA), filed January 27, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). *(1) Lumber or wood products; except furniture and (2) materials equipment and supplies used in the manufacture, distribution and*

sale in (1) above, between points in Clark, Dallas and Quachita Counties, AR on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: Ampac Hardwoods, 7412 Beaverton Hwy., Portland, OR 97225.

MC 114211 (Sub-5–27TA), filed January 28, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren, P.O. Box 420, Waterloo, IA 50704. *(1) Self-propelled vehicles, (2) equipment designed for use in conjunction with self-propelled vehicles, and (3) parts and attachments for the commodities in (1) and (2) above*, from Cornwells Heights, PA, to points in the U.S. Restricted to the transportation of shipments on freight bills issued to Minnesota Truck Center, Inc. and its dealers or distributors. Supporting shipper: Minnesota Truck Center, Inc., 2845 Long Lake Road, Roseville, MN 55113.

MC 114211 (Sub-5–26TA), filed January 28, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren, P.O. Box 420, Waterloo, IA 50704. *Portable horse stalls*, between points in the U.S. Restricted to the transportation of shipments moving from, to or between the facilities of or used by Maverick Stall Corporation. Supporting shipper: Maverick Stall Corporation, P.O. Box 2817, Wichita, KS 67201.

MC 114273 (Sub-5–40TA), filed January 27, 1981. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Corporate Counsel (same address as above). *Automotive parts and materials, equipment and supplies used in the distribution of same*, (1) From Nashville, TN to Chicago, IL; Kansas City and St. Louis, MO; and St. Paul, MN; and (2) From Cleveland, OH to Kansas City and St. Louis, MO; and St. Paul, MN, including points in the commercial zones of the above-mentioned cities. Supporting shipper: Ford Motor Company, Rotunda Drive, Southfield, Dearborn, MI 48121.

MC 120080 (Sub-5–2TA), filed January 27, 1981. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Drive, Dallas, TX 75229. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Common Regular General commodities (except classes A and B explosives) moving in express service* between Slidell, LA and Mobile, AL (1) from Slidell, over U.S. Hwy 11 to Jct U.S. Hwy 190 then over U.S. Hwy 190 to Jct U.S. Hwy 90, then over U.S. Hwy 90 to Mobile, (2) from Slidell, LA over Interstate Hwy 10 to Mobile and return over the above routes, serving all intermediate points. Applicant intends to tack and interline. Supporting shipper: There are seven supporting shippers.

MC 121589 (Sub-5–4TA), filed January 28, 1981. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Equipment, materials, parts, and supplies dealt in, or used, in the construction, operation, and maintenance of railroads*, between points in NE, on the one hand, and, on the other, points in IL, IN, and WI. Supporting shipper: Union Pacific Railroad, 1416 Dodge Street, Omaha, NE 68179.

MC 134282 (Sub-5–4TA), filed January 27, 1981. Applicant: ENNIS TRANSPORTATION CO., INC., A TEXAS CORPORATION, P.O. Drawer 776, Ennis, TX 75119. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. *Prefabricated building components, in crates*, From Tarrant County, TX, to Jefferson County, TX, for export shipment only. Supporting shipper: MBM International, Inc., 1103 West Poly Webb Road, Arlington, TX.

MC 136220 (Sub-5–9TA), filed January 27, 1981. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. *Mill scale, in bulk, in dump vehicles*, from the facilities of Armco, Inc., at Kansas City, MO to the facilities of Armco Inc., at Sand Springs, OK. Supporting shipper: Armco, Inc., 24 N. Main Street, Middletown, OH 45043.

MC 142364 (Sub-5–11TA), filed January 27, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, Post Office Box 368, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Paper and Paper Products; Plastic Articles, expanded; Furniture; and Materials, Equipment and Supplies used in the manufacture thereof*, between points in AL, AR, GA, IL, IN, LA, MO, OH, OK, TN, TX and WI, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 142431 (Sub-5–9TA), filed January 27, 1981. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th Street, Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Packaging materials and materials and supplies used in the distribution or manufacture of packaging materials*, between the facilities of Distinctive Printing & Packaging, Inc. at Des Moines, IA, on the one hand, and, on the other, points in IL, MN, MO and NE. Supporting shipper: Distinctive Printing & Packaging, Inc., 520 South 18th Street, West Des Moines, IA 50265.

MC 142672 (Sub-5–18TA), filed January 28, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Malt Beverages and Related Advertising Materials and Empty Beverage Containers and Materials and Supplies used in and dealt with by breweries*, between Jefferson County, CO, on the one hand, and, on the other, points in LA, MS and TN. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 144682 (Sub-5–13TA), filed January 27, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Foodstuffs* from Ft. Worth and Dallas, TX, to points in the U.S., restricted to traffic originating at the facilities of Rodriquez Fiestive Foods, Inc. or Circle T Foods. Supporting shipper(s): Rodrigues Fiestive Foods, Inc., 500 E. Central, Ft. Worth, TX 76106 and Circle T Foods, 4560 Leston, Dallas, TX 75247.

MC 144682 (Sub-5–14TA), filed January 27, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Floor covering and/or materials and supplies used in the installation of floor coverings*, from Los Angeles and Orange Counties, CA, and Bartow, Floyd, Gilmer, Gordan, Murray, Walker and Whitfield Counties, GA to Bell, Bexar, Dallas, Harris, Nueces, Tarrant and Travis Counties, TX. Supporting shipper: L. D. Brinkman, P.O. Box 47586, Dallas, TX 75247.

MC 145743 (Sub-5–3TA), filed January 27, 1981. Applicant: T.F.S., INC., R.R. 2 Box 126, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6795, Lincoln, NE 68506. *Such commodities as are dealt in and used by building materials and home improvement stores*, between points in the U.S. Supporting shipper: Payless Cashways, Inc., Suite 1000, 3100 Broadway, Kansas City, MO 64111.

MC 147003 (Sub-5–3TA), filed January 27, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand

Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Such commodities as are dealt in and used by building materials and home improvement stores,* between points in the U.S. Supporting shipper: Payless Cashways, Inc., Suite 1000, 3100 Broadway, Kansas City, MO 64111.

MC 148035 (Sub-5–6TA), filed January 27, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Alcohol,* (1) From Muscatine, IA to Rockport, MO and (2) From Rockport, MO to points in IA, KS, and NE. Supporting shipper: American Agri-Fuels Corporation, Suite 1010, 1006 Grand, Kansas City, MO 64106.

MC 149235 (Sub-5–6TA), filed January 27, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Contract,* Irregular. *General commodities (except household goods as defined by the Commission, Classes A and B explosives and hazardous waste),* between Jackson County, MO, on the one hand, and, on the other, points in IL, MI, IN, OH, FL, GA, LA, PA, NJ, NY, MA, CT and RI. Supporting shipper: Gordon Corporation, 1208 W. 12th St., Kansas City, MO 64105.

MC 150783 (Sub-5–30TA), filed January 28, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., Post Office Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth, Post Office Box 757, Rogers, AR 72756. *Plastic articles (except in bulk).* From the facilities of Union Carbide Corporation at or near Rogers, AR to points in and east of ND, SD, NE, CO, and NM. Supporting shipper: Union Carbide Corp., 270 Park Ave., New York, NY 10017.

MC 152959 (Sub-5–5TA), filed January 27, 1981. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75607. Representative: Robert Nieman (same as applicant). Contract, Irregular. *Livestock trailers and flat-bed type trailers, oil field tank trailers, and any and all related component parts thereof,* between the facilities of Neckover Trailer Manufacturing Company, Inc., Troup, TX, on the one hand, and, on the other, all points and places in the continental U.S. and AK. Supporting shipper: Neckover Trailer Manufacturing Company, Inc., P.O. Box 485, Troup, TX 75789.

Note.—Applicant intends to tack with existing authority.

MC 153764 (Sub-5–1TA), filed January 27, 1981. Applicant: WILLIE L. TURNER, d.b.a. TURNER TRUCK SERVICE, Route 1, 520 K–45, Blanchard, OK 73010. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Non-exempt food and related products* between Oklahoma City, OK commercial zone and points in TX. Supporting shipper: George H. Hormel and Co., P.O. Box 800, Austin, MN 55912.

MC 153765 (Sub-5–1TA), filed January 28, 1981. Applicant: AURELIANO VALDEZ, d.b.a. TOLVAS INDUSTRIALES, S.A. DE C.V., Francia No. 2305, Fraccionamiento Juana de Arco, Monterrey, Nuevo Leon, Mexico. Representative: James Haynes, Jr., Attorney At Law, 814 Matamoros St., Laredo, TX 78040. *Polyprophylene pellets, to be used to fabricate plastic film, in special tubes,* between or from Houston, TX to Laredo, TX to the boundary of the U.S.-Mexican border. Supporting shipper: Celulosa y Deriuados, S.A., Planta Propirey, Avenida Ruiz Cortinez, 2333 Pte., Monterrey, Nuevo Leon, Mexico.

MC 153779 (Sub-5–1TA), filed January 28, 1981. Applicant: KNIGHT FARMS, 418 East Locust St., Paragould, AR 72450. Representative: Steve A. Knight, (same as applicant). *Dry Fertilizer, in bulk, in dump trucks,* between all points in AR, on the one hand, and on the other, points in MO, LA, TN, and MS. Supporting shipper: Cardwell Fertilizer Co, Inc., P.O. Box 463, Paragould, AR 72450.

MC 989 (Sub-5–3TA), filed January 30, 1981. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 E. 50th Avenue, Commerce City, CO 80022. *Insulation and insulating materials, and tools, equipment, and supplies used in the installation thereof,* between Mesa County, CO, and points in the states of IA, IL, KS, MN, MO, NE, OK, TX, and WY. Supporting shipper: Pabco Insulation Division, 1110 16 Road, Fruita, CO.

MC 26825 (Sub-5–7TA), filed January 30, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. (1) *Such commodities as are dealt in by drug, grocery and food business houses,* (2) *Materials, equipment and supplies used in the manufacturing and distribution of the commodities in (1) above,* between the facilities of Affiliated Foods Co-op Company, Inc. at Norfolk, NE on the one hand, and on the other, points in the US. Supporting shipper: Affiliated Foods Co-op Company, Inc., P.O. Box 1067, Norfolk, NE 68701.

MC 26825 (Sub-5–8TA), filed January 30, 1981. Applicant: ANDREW VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *New furniture,* from Bassett, VA to points in AZ and CA. Supporting shipper: Haro, Inc., 4725 District Boulevard, Vernon, CA 90058.

MC 35230 (Sub-5–45TA), filed January 30, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General Commodities, except household goods as defined by the Commission, and Classes A and B explosives,* serving Washington County, AR as an off-route point in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: Wal-Mart Stores, Bentonville, AR.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 108207 (Sub-5–40TA), filed January 29, 1981. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *4,4' Diphenylmethane Diisocyanate,* from Orleans Parish and Ascension Parish, LA, to points in AR, AZ, CA, CO (on and east of the Continental Divide), IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NM, OH, OK, TN, TX, and WI. Supporting shipper: Rubicon Chemicals, Inc., P.O. Box 517, Geismar, LA 70734.

MC 113908 (Sub-5–28TA), filed January 30, 1981. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). *Industrial cleaning compounds, raw and manufactured, and materials and supplies used in the manufacturing thereof:* Between (Springfield), Greene County, MO, and (Ozark), Christian County, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: KO Manufacturing, P.O. Box 378, Ozark, MO 65721.

MC 115730 (Sub-5–5TA), filed January 30, 1981. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. *(1) agricultural machinery, implements, and equipment; (2) industrial and construction machinery and equipment; (3) irrigation equipment; (4) drainage systems; (5) stump cutters, log splitters, and log chippers; (6) tree*

spades; (7) parts, attachments, and accessories for the commodities in (1) through (6) above; and (8) iron and steel articles and equipment, materials, and supplies used in the manufacture, sale, or distribution of the commodities in (1) through (6) above, between points in Marion County, IA and points in the United States. Supporting shipper: Vermeer Manufacturing Company, Box 200, Pella, IA 50219.

MC 119988 (Sub-5–33TA), filed January 30, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. BOX 1384, Lufkin, TX 75901. Representative: Larry Norwood, P.O. Box 1384, Lufkin, TX 75901. *Plastic and Plastic Articles,* Between Kansas City, KS, on the one hand, and, on the other, points in the US. Supporting shipper(s): Sunset Plastic Products, Inc., P.O. Box 14245, Lenexa, KS 66215.

MC 123993 (Sub-5–29TA), filed January 30, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Contract, Irregular. *Cleaning & washing compounds, drug and personal care products, institutional and industrial maintenance supplies, such commodities as are dealt in by wholesale, retail and chain drug, grocery and food business houses, and equipment, materials and supplies used in the manufacturing and distribution of the above named commodities (except commodities in bulk),* between the facilities utilized by The Procter & Gamble Company and its divisions and subsidiaries, on the one hand, and points in the U.S. on the other. Supporting shipper: The Procter & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 124673 (Sub-5–7TA), Filed January 30, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo TX 79105. Representative: Gail Johnson (same as applicant). *Anhydrous Ammonia, fertilizers and feed ingredients,* from Hutchinson County, TX, to points in AZ, NM, CO, NE, KS and OK. Supporting shipper: Cominco-American, Rt. 3, Beatrice, NE 68310.

MC 126118 (Sub-5–50TA), Filed January 29, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Plastic and rubber articles, equipment, and supplies,* between pts in TX, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Rubbermaid Incorporated, 1147 Akron Road, Wooster, OH 44691.

MC 128087 (Sub-5–2TA), Filed January 29, 1981. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, 1000 West Second Street, Crowley, LA 70526. Representative: John N. John, III, P.O. Box 921, 1000 West Second Street, Crowley, LA 70526. Liquid Amorphous Polyproplylene from LaPorte, TX to Crowley, La. Supporting shipper: Hercules, Inc., 3169 Holcomb Bridge Road, Suite 700, Norcross, GA 30071.

MC 128709 (Sub-5–4TA), Filed January 29, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72902. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *General commodities (except Classes A & B explosives),* serving the facilities of Franklin Electric Company, at or near Siloam Springs, AR, as an off-route point in connection with applicant's existing regular route operations. Supporting shipper: Franklin Electric, 400 East Spring St., Bluffton, IN 46714.

Note.—Applicant intends to tack this authority with other regular route authority now held or controlled by applicant and to interline at Oklahoma City, OK; Dallas, TX; Little Rock and Ft. Smith, AR; and Memphis, TN.

MC 134286 (Sub-5–17TA), filed January 30, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Edward A. O'Donnell (same address as above). *Plastic articles and containers* from Gurnee, IL to points in IA, KS, MN, MO, NE, ND. Supporting shipper: Rehrig Pacific Company, 1850 Northwestern Ave., Gurnee, IL.

MC 134922 (Sub-5–7TA), filed January 30, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price, Traffic Manager, Route 6, Box 15, North Little Rock, AR 72118. *General commodities (except commodities in bulk, classes A and B explosives and those which because of size or weight require the use of special equipment),* between Chicago, IL and origins of Trans-Am members and all points in the U.S. Supporting shipper: Trans-Am Shippers Cooperative Ass'n. Inc., 3750 W. 47th Street, Chicago, IL 60632.

MC 134954 (Sub-5–1TA), filed January 30, 1981. Applicant: INTERNATIONAL PRODUCTS CORP., 402 North Sixth Street, P.O. Box 1158, Chickasha, OK 73018. Representative: R. H. Lawson, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. *Fertilizer, dry, in bulk or in bags,* from Alton, MO and Pasadena, TX to points in OK. Supporting shipper: Smith-Douglass, Div. of Borden Chemical, Borden, Inc., 5100 Virginia Beach Blvd., Norfolk, VA 23501.

MC 135843 (Sub-5–3TA), filed January 30, 1981. Applicant: IOWA GATEWAY, INC., d.b.a. IOWA GATEWAY TERMINAL, River Road, Keokuk, IA 52632. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract: Irregular. *Railroad car parts and accessories,* between Alliance, NE, Miles City, MT, Sioux City, IA, Louisville, KY and St. Albans, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contract with Railcar Maintenance Company. Supporting shipper: Railcar Maintenance Company, (Subsidiary of Professional Lease Management, Inc.), 50 California Street, San Francisco, CA 94111.

MC 138469 (Sub-5–34TA), filed January 29, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Attorney at Law, 205 W. Touhy Avenue, Suite 200, Park Ridge, IL 60068. *(1) Malt beverages and related advertising materials,* from Jefferson County, CO to AR, LA, MS and TN *(2) empty used beverage containers and materials and supplies used in and dealt with by breweries,* from AR, LA, MS and TN to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO.

MC 139495 (Sub-5–8TA), filed January 28, 1981. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1458, Liberal, KS 67901. Representative: Herb Dubin, Baskin and Sears, 2nd Floor, 818 Connecticut Avenue NW., Washington, DC. 20006. *Such merchandise as is dealt in by food business houses and materials, ingredients and supplies used in their manufacture and distribution,* between points in the states of OH and SC on the one hand, and on the other, points in the states of CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, NC, ND, NE, NH, NJ, NY, OH, PA, RI, SC, SD, TN, VA, VT, WI, and WV. Supporting shipper: Stouffer Foods Corporation, 5750 Harper Road, Solon, OH 44139.

MC 141293 (Sub-5–2TA), filed January 29, 1981. Applicant: J. R. R. W. TRANSPORT, Coralville, IA 52241. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular (1) *Salt and Salt Products* from Hutchinson, KS, to points in IA, MN and WI, under continuing contracts with Cargill, Inc., Salt Division. Supporting shipper: Cargill, Incorporated—Salt Division, P.O. Box 9300, Minneapolis, MN 55440.

MC 144821 (Sub-5–4TA), filed January 28, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty

Avenue, St. Louis, MO 63134. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Such commodities as are dealt in or used by physicians and surgeons, medical and dental clinics, hospitals, outpatient care centers, nursing homes and extended care medical facilities, and (2) equipment, materials and supplies used in the manufacture, sale, assembly and distribution of the commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between points in the U.S. in and east of ND, SD, NE, CO and NM: Restricted to traffic originating at or destined to the facilities, subsidiaries, suppliers, and customers of Medline Industries, Inc. Supporting shipper(s): Medline Industries, Inc., 1825 Shermer Road, Northbrook, IL 60062

MC 144858 (Sub-5–11TA), filed January 30, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores,* between points in the United States (except AK and HI), on the one hand, and, on the other, points in AR, KS, MO, OK, TN and TX. Supporting shipper(s): Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 145802 (Sub-3TA), filed January 30, 1981. Applicant: RONALD E. REED, d.b.a. Triple R Trucking, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk,* from the facilities of Farmland Foods, Inc. at or near Iowa Falls, Denison, Carroll, Des Moines, Cherokee, Fort Dodge, and Sioux City, IA and Crete, Omaha, and Lincoln, NE to all pts in the US. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 146336 (Sub-7TA), filed January 30, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Contract, irregular: *food and related products;* from Chatsworth, CA to points in TX and OK and from Chatsworth, CA to Atlanta, GA. Supporting shipper(s): Serv-A-Portion, Inc., 9140 Lurline Ave., Chatsworth, CA 91311.

MC 146553 (Sub-5–8TA), filed January 30, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Sheet metal,* from Weirton, WV to pts in IA, IL, IN, KY, MI, MO, NE, OH and WI. Supporting shipper(s): Metal Litho Corporation, 600 Progress Street, Elizabeth, NJ 07201.

MC 147321 (Sub-5–5TA), filed January 28, 1981. 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. *Toilet preparations and other articles moving in mixed loads with toilet preparations* between Kansas City, MO, on the one hand, and, on the other, Fayetteville and Fort Smith, AR and their respective commercial zones. Supporting shipper: Avon Products, 83rd and College, Kansas City, MO.

MC 147362 (Sub-5–1TA), filed January 30, 1981. Applicant: BISHOP MOTOR FREIGHT, INC., Rural Route No. 1, Laclede, MO 64651. Representative: Doyle Bishop (same as above). Contract: Irregular *fans, solar shades, louvers, dampers and materials used in the manufacturing thereof,* between Marceline, MO and, on the other point, in the US. Restricted to service to be performed under contract with The Moore Co. Inc. of Marceline, MO. SS: The Moore Co. Inc., 800 S Missouri Ave., Marceline, MO 64658.

MC 148833 (Sub-5–9TA), filed January 30, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Adhesives in containers and materials and supplies used in the manufacture or distribution of adhesives,* between points in the United States. Supporting shipper: Esteck Specialty Chemical Corporation, 30 North La Salle Street, Chicago, IL 60602.

MC 151179 (Sub-5–2TA), filed January 28, 1981. Applicant: G–M TRANSPORTS, INC., 12344 E. Northwest Hwy., Dallas, TX 75228. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. Contract: irregular: *(1) Clay glazed tile; (2) Materials, equipments, and supplies used in the manufacture, sale, and distribution of clay glazed tile* between the facilities of Dal-Tile Corp. at Dallas and Laredo, TX, on the one hand, and points in the U.S. (except AK & HI), on the other. Supporting shipper: Dal-Tile Corp., 7834 Hawn Freeway, Dallas, TX.

MC 151238 (Sub-5–3TA), filed January 30, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Phenol,* from Deer Park, TX to Gulfport, MS. Supporting shipper: Aurora Chemical Corporation, 400 FM. 1060, Houston, TX 77090.

MC 153133 (Sub-5–5TA), filed January 28, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., 811 Jackson Street, Post Office Box 861, Richmond TX, 77469. Representative: Patricia L Altman, 2523 Avenue H, Rosenberg TX 77471. *Iron and Steel Articles, Pipe, and Concrete Beams,* (1) between points in AR, and LA, and (2) between points in TX, on the one hand, and points in AR, and LA, on the other hand. Supporting shippers: There are five supporting shippers.

MC 153133 (Sub-5–6TA), filed January 28, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., 811 Jackson Street, Suite 108, Post Office Box 861, Richmond TX, 77469. Representative: Patricia L Altman, 2523 Avenue H, Rosenberg TX 77471. *Iron and Steel Articles, Pipe, and related commodities,* (1) between points in MS, and AL, and (2) between points in TX, on the one hand, and points in MS, and AL, on the other hand. Supporting shippers: There are eight supporting shippers.

MC 153392 (Sub-5–3TA), filed January 30, 1981. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract: Irregular. *Agricultural sprayers and materials and parts used in the manufacture of agricultural sprayers,* between Omaha, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contract with P–K Manufacturing Corp. Supporting shipper: P–K Manufacturing Corp., Box 152, Florence Station, Omaha, NE 68112.

MC 153773 (Sub-5–1TA), filed January 28, 1981. Applicant: NDC TRUCKING CO., A Division of National Distributing Company, Inc., 820 McKesson Drive, Longview, TX 75601. Representative: William Sheridan, 1023 Metker, P.O. Drawer 5049, Irving, TX 75062. *Paper and Paper Articles,* from Longview, TX to AZ, CA, KS, MO, and NV. Restricted to shipments originating at the facilities of DataCom, Inc. Supporting shipper: DataCom, Inc., P.O. Box 359, Willow Grove, PA 19090.

MC 153787 (Sub-5–1TA), filed January 28, 1981. Applicant: TRI STAR TRUCKING, INC., 8736 Irongate, Ft. Worth, TX 76180. Representative: Shawn Bodiford, 8736 Irongate, Ft. Worth, TX 76180. *Sealants and adhesives used in the aircraft aerospace, automotive and construction industries, except in bulk,* from the facilities of Schnee-Morehead Chemicals, Inc. at or near Irving, TX, to Santa Fe Springs, CA, and Doraville, GA. Supporting shipper: Schnee-Morehead Chemicals, Inc., 111 N. Nursey Road, Irving, TX 75061.

MC 153788 (Sub-5–1TA), filed January 30, 1981. Applicant: G & G COMPANY, INC., P.O. Box 5753, Longview, TX 75608. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Rock and gravel in bulk;* from Hugo, Idabelle and Broken Bow, OK to Longview, TX. Restricted to traffic destined to the facilities of Texas Bithulithic located at or near Longview, TX. Supporting shipper(s): Texas Bithulithic, P.O. Box 5753, Longview, TX 75608.

MC 153801 (Sub-5–1TA), filed January 30, 1981. Applicant: FOUR WINDS TRUCKING, INC., 10910 East Clark, Wichita, KS 67207. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract; irregular. *Such merchandise as is dealt in by Home Products Distributors and articles sold by catalog,* between the facilities of Amway Corporation located at Aurora, CO; Arlington, TX and Des Moines, IA on the one hand; points in KS on the other hand. Supporting shipper: Amway Corporation, 4161 McDonald Ave., P.O. Box 475, Des Moines, IA 50306.

MC 153804 (Sub-5–1TA), filed January 29, 1981. Applicant: MEECO TRANSPORT, INC., P.O. Box 518, 15th and East Electric Street, McAlester, OK 74501. Representative: Wm. L. Peterson, Jr., 1109 Colcord Building, 15 North Robinson, Oklahoma City, OK 73102, contract irregular. *Boat docks (marinas) and materials, equipment and supplies used in the manufacture of boat docks (marinas)* between Pittsburg County, OK and points in the U.S. Supporting shippers: Meeco Marinas, Inc., P.O. Box 518, 15th and East Electric Street, McAlester, OK 74501.

MC 153815 (Sub-5–1TA), filed January 30, 1981. Applicant: BULLEN INC. TRANSPORT COMPANY, 1509 North Wade Street, P.O. Box 189, Sayre, OK 73662. Representative: Gary Ray Bullen, P.O. Box 189, Sayre, OK 73662. Contract; Irregular. *Gasoline, diesel fuel in bulk, oil and greases in bulk and containers, fuel tanks, pipe and oil field supplies* between points in OK, TX and NM. Supporting shipper: Starr Gas Co., P.O. Box 6446, Air Terminal Station, Midland, TX 79701.

The following applications were filed in Region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 153713 (Sub-6–1TA), filed January 21, 1981. Applicant: ADAMS DELIVERY SERVICE, INC., 600 Montague St., San Leandro, CA 94577. Representative: Marshall G. Berol, 601 California St., Suite 1900, San Francisco, CA 94108. *Drugs, supplies and equipment used in the administration and care of patients* from points in San Leandro, CA to the following CA counties: Sonoma, Napa, Yolo, Sutter, Yuba, Nevada, Placer, El Dorado, Sacramento, Solano, Marin, San Francisco, Contra Costa, San Joaquin, San Mateo, Alameda, Santa Cruz, Santa Clara, Stanislaus, Monterey, San Benito, Merced, Fresno, Madera, Kings, Tulare for 270 days. Supporting shipper: Abbott Laboratories, 1400 Sheridan Road, Dept. 277, North Chicago, IL 60064.

MC 732 (Sub-6–5TA), filed January 23, 1981. Applicant: ALBINA TRANSFER, INC., 4320 N. Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Av, Portland, OR 97210. *General commodities* (except classes A and B explosives) in cargo containers, between Portland, OR and Seattle, WA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: General Steamship Corporation, Ltd., 421 S.W. 6th Av, Portland, OR 97204.

MC 153750 (Sub-6–1TA), filed January 26, 1981. Applicant: B & L TRANSPORTATION CO., 22662 Dumfield, El Toro, CA 92630. Representative: Robert H. Jergens (same as applicant). *Contract Carrier,* Irregular Routes: *Canned Goods and preserved foodstuffs,* Between CA, Points on the one hand, and, on the other, points in OR, WA, UT, CO, NV, TX, AR, NM, MT, WY, and ID, for the account of Case-Swayne Co., Inc. for 270 days. Supporting shipper: Case-Swayne Co., Inc., Santa Ana, CA.

MC 134387 (Sub-6–7TA), filed January 27, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave, South Gate, CA 90280. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., Los Angeles, CA 90017. *Major household appliances, heating and air-conditioning equipment* from Los Angeles, CA, on the one hand, and, on the other, points in WA and OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gaffers & Satler, 4851 S. Alameda St., Los Angeles, CA 90058.

MC 71652 (Sub-6–9TA), filed January 23, 1981. Applicant: BYRNE TRUCKING INC., 4669 Crater Lake Hwy., Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. (1) *Aluminum and aluminum products; refractory materials,* between points in CA, on the one hand, and, on the other, points in OR, WA, UT, ID, CO, TX, NE, ND, SD and MO; and (2) between points in OR and WA, on the one hand, and, on the other, points in CO, UT, TX, NE, ND, SD, ID and MO; restricted to traffic moving to, from or between the facilities of Kaiser Aluminum and Chemical Corporation, Oakland, CA, for 270 days. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643.

MC 146067 (Sub-6–1TA), filed January 21, 1981. Applicant: CALIFORNIA WASHINGTON EXPRESS TRUCKING, 3554 McReynolds Ave., Modesto, CA 95355. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier,* irregular routes: (1) *Dairy equipment, materials and supplies* between points in AZ, CA, ID, NM, NV, OR, TX, UT, WA including points on the International Boundary Line between the U.S. and Canada in WA, ID, and MT; (2) *Doors, door sections and door systems* between Fresno, Madera, Modesto, San Francisco, San Joaquin, and Stockton, CA and points in AZ, ID, NM, NV, OR, TX, UT and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Overhead Door Corp. of California, 11850 Folsom Blvd., Rancho Cordova, CA 95610, Airle Manufacturing Co., Inc., 2600 Yosemite Blvd., Modesto, CA 95354.

MC 42487 (Sub-6–50TA), filed January 23, 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. *Common carrier,* regular routes: *General commodities (except Classes A and B explosives, blasting supplies, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Murray Ohio Corporation at or near Lawrenceburg, TN, as an off-route point in connection with carrier's existing regular route operation, for 270 days. Supporting shipper(s): K Mart Corporation, 3100 W. Big Beaver, Troy, MI 48084.

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future to permit service to and

from points throughout the U.S. Applicant proposes to interline traffic with its present connecting carriers.

MC 42487 (Sub-6–51TA), filed January 26, 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. *Common carrier,* regular routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* serving the facilities of St. Regis Paper Co., at or near Cantonment, FL, as an off-route point in connection with carrier's existing regular route operations, for 270 days. Supporting shipper(s): St. Regis Paper Co., P.O. Box 87, Cantonment, FL 32533.

Note.—Applicant intends to tack its existing authority to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers.

MC 123157 (Sub-6–2TA), filed January 26, 1981. Applicant: CTI, a Corporation, P.O. Box 397, Rillito, AZ 85246. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Silica sand, in bulk,* from the facilities of J. R. Simplot & Co., at or near Overton, NV to Tempe, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Waterton Sand & Clay, Inc., 1200 W. Fairmont, Tempe, AZ 85252.

MC 136605 (Sub-6–25TA), filed January 27, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Donald F. Walters (same as applicant). *Blasting slag,* from Riddle, OR to points in MT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wyo-Ben Supply, 3044 Hesper Rd., P.O. Box 20317, Billings, MT 20317.

MC 136605 (Sub-6–26TA), filed January 27, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Donald F. Walters (same as applicant). *Iron and steel articles, scrap iron and steel, scrap metals, hides, plastic pipe, scrap auto bodies, scrap batteries, scrap paper and cullett,* between Sidney, Glasgow, Havre, Great Falls, Kalispell, Miles City, Billings, Lewistown, Bozeman, Butte, Helena, Missoula, MT; Gillette, Worland, Casper, Mills, Rock Springs, WY; Pocatello, Idaho Falls, Burley, Twin Falls, Boise, Nampa, Lewiston, ID; Spokane, Seattle, WA; Portland, OR; and points in the states of WA, OR, CA, CO, TX, UT, MT, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Hide and Fur Depot, P.O. Box 1459, Great Falls, MT 59403.

MC 136605 (Sub-6–27TA), filed January 27, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Donald F. Walters (same as applicant). *Hides,* between points in the U.S. in and west of MI, IN, IL, MO, OK, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Billings Packers Hides Company, P.O. Box 692, Billings, MT 59103.

MC 153738 (Sub-6–1TA), filed January 23, 1981. Applicant: DEAN DORSEY TRUCKING, INC., 2640 W. Cascade, Hood River, OR 97031. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. *General Commodities* except those of unusual value, class A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring speical equipment between points in Multnomah, Washington and Clackamas Counties, OR on the one hand, and, on the other, points in Hood River and Wasco Counties, OR and Skamania and Klickatat Counties, WA for 270 days. Supporting shippers: There are 14 shippers. Their statements may be examined at the regional office listed.

MC 147702 (Sub-6–2TA), filed January 23, 1981. Applicant: DOUBLE AA PARKING & TRUCKING, INC., 465 W Second St., Calexico, CA 92231. Representative: Arturo Rioseco (same as applicant). *General commodities, except in bulk,* between Calexico, CA and the U.S.-Mexico border at Mexicali, B.C., Mexico, for 270 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the Regional office listed.

MC 153736 (Sub-6–1TA), filed January 23, 1981. Applicant: FARGO INDUSTRIES, INC., 11920 Fargo Rd. N.E., Aurora, OR 97002. Representative: Donald W. Haworth, 11920 Fargo Rd. N.E., Aurora, OR 97002. *General commodities* (Except A & B explosives and commodities in the bulk) in steamship containers. From facility NYKT Portland, OR to Seattle, WA. Return movement will involve empty containers for 270 days. Supporting shipper: NIPPON, YUSEN, KAISHA, 1618 S.W. First, Portland, OR 97201.

MC 153651 (Sub-6–1TA), filed January 22, 1981. Applicant: FLY BY NITE FAST FREIGHT COMPANY, INC., 9808 61st Ave. East, Puyallup, WA 98371. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *A/B Greenwood Veneer (softwood)* between Lewis County and the ports of entry on the International Boundary Line between the U.S. and Canada at Blaine for 270 days. Supporting shipper: Pacific Forest Products Ltd., P.O.B. 1206, Victoria, B.C.

MC 153714 (Sub-6–1TA), filed January 22, 1981. Applicant: WILLIAM A. MURRAY, d.b.a. FREDDY'S TRUCKING, 2200 S.E. 45th, No. 49, Hillsboro, OR 97123. Representative: William A. Murray (same as applicant). (1) *Malt Beverages* from San Antonio, TX and Los Angeles County, CA to Hillsboro, OR and Portland, OR (2) *Wine* from Kern and Santa Clara Counties, CA to Hillsboro, OR and Portland, OR for 270 days. Supporting shippers: United Beer, 15 N.E. Hancock, Portland, OR; Stein Beverages, Inc., 214 E. Walnut St., Hillsboro, OR 97123.

MC 153711 (Sub-6–1TA), filed January 22, 1981. Applicant: G & A TRUCKING INC., 127 W. College St., Los Angeles, CA 90012. Representative: W. G. Reese III, 315 W. Victoria, Gardenia, CA 90248. *Textiles, Iron and steel articles, plastics, canned foodstuffs in TL load lots* excepting commodities in bulk, Between Los Angeles Cy CA on the one hand, and on the other, points within the commercial zones of: Phoenix AZ, Portland, Salem and Eugene OR, El Paso TX, Sparks NV, and Ogden, Salt Lake UT. There are 6 supporting shippers: Their statements may be examined at the Regional office listed.

MC 151428 (Sub-6–2TA), filed January 26, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Metal products,* Items 33 and 34 of the revised STCC Major Industry Groupings, between points in the U.S. under a continuing contract or contracts with Paulsen Wire Rope Corporation of Sunbury, PA., for 270 days. Supporting shipper: Paulsen Wire Rope Corporation, 880 So. Second St., Sunbury, PA 17801.

MC 153712 (Sub-6–1TA), filed January 22, 1981. Applicant: J & R ENTERPRISES INCORPORATED, 21551 Brookhurst St., Huntington Beach, CA 92646. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Contract Carrier,* Irregular routes: *New refuse trucks, primary movements in driveaway service,* from City of Commerce, CA to points in the U.S., for the account of Maxon Industries, for 270 days. Supporting shipper: Maxon Industries, Inc., 5750 S. Eastern Ave., City of Commerce, CA.

MC 147788 (Sub-6–1TA), filed January 26, 1981. Applicant: LEON'S TRUCKING, 1511 Brooklyn Ave., Eugene, OR 94703. Representative: Frederick DeLeon (same as applicant). *Iron and steel articles,* from plant sites of Jerry Johnson Mill Construction, Eugene, OR to Sonora, CA and Seattle, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jerry Johnson's Mill Construction, 4438 Franklin Blvd., Eugene, OR 97403.

MC 153751 (Sub-6–1TA), filed January 26, 1981. Applicant: LITTLE SHIRLEY'S TRANSPORTATION, INC., 2821 9th St. N.E., Puyallup, WA 98371. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *such commodities as are dealt in or used by manufacturers and dealers in concrete products,* between points in Snohomish, King, Kitsap, Pierce and Thurston Counties, WA, and points in Portland's commercial zone, Baker and Deschutes Counties, OR, for 270 days. Supporting shippers: Graystone Corporation, 134 Nickerson, Seattle, WA 98109, and R. B. Pamplin, 900 S.W. 5th, Portland, OR 97201.

MC 153752 (Sub-6–1TA), filed January 26, 1981. Applicant: MACHADO TRUCKING, INC., Pier D, Berth 34, Los Angeles, CA 90802. Representative: Robert Machado (same as applicant). *Contract carrier,* irregular routes: *Containers and chassis,* having a prior or subsequent movement in maritime, between points in San Diego, Los Angeles, Orange and Riverside Counties, CA for the account of Maersk Line Agency, for 270 days. Supporting shipper: Maersk Line Agency, 700 S. Flower Street, Los Angeles, CA, Suite 2114, 90051.

MC 153758 (Sub-6–1TA), filed January 26, 1981. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISE, 4233 Sierra Madre, Room 103, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* irregular: *Cabinets and vanities, cheese and cheese products, and materials, equipment and supplies* used in the manufacture, sale and distribution of such commodities between points in AZ, CA, ID, IL, IA, KS, MN, MO, NE, NM, NY, OH, OR, TX, UT, WA and WI, for 270 days. Restriction: Restricted to transportation performed under continuing contract(s) with Pacific Cheese Company, Inc., Northern Kitchens, Inc. and Armour & Co. An underlying ETA seeks 120 days authority. Supporting shippers: Pacific Cheese Company, Inc., 401 Forbes Boulevard, South San Francisco, CA 94080; Northern Kitchens, Inc., Rib Lake, WI 54470; and Armour & Co., 1720 14th Avenue, Monroe, WI 53566.

MC 149036 (Sub-6–1TA), filed January 22, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *(1) Beer, and (2) equipment, materials, and supplies used in the sale, transportation, and distribution of beer,* between the facilities of Anheuser-Busch, Inc. at or near Fairfield and Van Nuys, CA, on the one hand, and, on the other, Moab and Price, UT, for 270. days. An underlying ETA seeks 120 days. Supporting shipper: Archer Distributing, Inc., P.O. Box 596, Price, UT 84501.

MC 141084 (Sub-6–2TA), filed January 23, 1981. Applicant: NATIONAL FREIGHT LINES, INC., P.O. Box 1031, San Fernando, CA 91341. Representative: Bill D. Gardner (same address as applicant). *Such commodities as are dealt in by retail, wholesale, chain grocer and/or food business houses (except commodities in bulk), and materials, equipment, ingredients and supplies used in their production and distribution (except commodities in bulk)* between points in IL on the one hand, and on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Shurfine Central Corporation, 2100 N. Mannheim Rd., Northlake, IL 60164.

MC 153770 (Sub-6–1TA), filed January 27, 1981. Applicant: GORDON NINE, d.b.a. NINE TRUCK LINE, 11100 Chickadee Drive, Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Iron or Steel Articles, Metal and Metal Products,* from points in CA and OR to Boise, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Zieman Manufacturing Co., Inc., 1899 Commerce Ave., Boise, ID 83705.

MC 140163 (Sub-6–2TA), filed January 22, 1981. Applicant: POST & SONS TRANSFER, INC., 2326 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Flat glass products* from points in CA to points in King, Snohomish and Pierce Counties, WA, for 270 days. Supporting shippers: Savage Wholesale Building Materials, Inc., P.O.B. 9826, Seattle, WA 98109; Milgard Manufacturing, Inc., 1010 54th Ave. E., Tacoma, WA 98424.

MC 151471 (Sub-6–5TA), filed January 26, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202 *Contract carrier,* irregular routes: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS and Wallula, WA to points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., for 270 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 147978 (Sub-6–2TA), filed January 23, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Tires and tread rubber,* between Los Angeles, CA, including its commercial zone, on the one hand, and, on the other, Phoenix AZ, including its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Commercial Tire Company, 3366 Leonis Blvd., Los Angeles, CA 90058; Lumary's Tire Company, 600 S. Santa Fe Avenue, Los Angeles, CA 90021; Hollywood Tire of Orange County, 1631 South Sinclair Street, Anaheim, CA 92806.

MC 107743 (Sub-6–1TA), filed January 22, 1981. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456 TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Building materials, lumber, lumber products, forest products, millwork and wood products,* (1) between points in NE, KS, TX, OK and AR; (2) from points in NE, KS, OK, TX, AR, MT, NM and AZ to points in MN, MO, IL, WI, OH, MI, IN and IA; and (3) between points in CA on the one hand, and, on the other, points in AR, OK and TX on the other for 270 days. Supporting shippers: There are 7 supporting shippers. Their statements may be obtained from the Regional Office listed.

MC 146075 (Sub-6–5TA), filed January 26, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC. 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing, (same as applicant). *General commodities (usual exceptions)* between points in Osage and Tulsa County, OK; Brazoria, Harris, and Kenedy County, TX, CA, CO, ID, MT, OR, UT, WA, and WY., for 270 days. Supporting shippers: Dow Chemical, USA, Freeport, TX 77541.

MC 153735 (Sub-6–1TA), filed January 23, 1981. Applicant: VISTA CALIFORNIA TOURS, INC., d.b.a. Vista Limousine Service, 323 So. Canal St., So.

San Francisco, CA 94080. Representative; Milton W. Henke Sr., 375 Arroyo Dr., So. San Francisco, CA 94080. *Passengers, and their luggage in the same vehicle with passengers,* in special or charter operations, in round-trip sightseeing and pleasure tours. Between CA on the one hand, and, on the other, NV, AZ, for 180 days. Supporting shipper(s): American Tours International, Inc., 9800 Sepulveda Blvd., Los Angeles, CA. 90045; ITO Tour Service, 530 Bush St., Suite 515, San Francisco, CA. 94108.

MC 26396 (Sub-6-57TA), filed January 22, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Drilling mud additives and treating compounds,* between Madison, IL and points in TX, UT, LA, MS, ND and MT for 270 days. Supporting shipper: Ironite Products Co., 7777 Bonhomme Avenue, Suite 1402, St. Louis, MO 63105.

MC 135803 (Sub-6-16TA), filed January 23, 1981. Applicant: WALLACE TRANSPORT, P.O. Box 67, Planada, CA 95365. Representative: Donald M. Fennel (same address as applicant). *Paper and Paper Articles,* between points in AZ and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Orchid Paper Products, 5911 Fresca Dr., La Palma, CA 90622.

MC 151611 (Sub-6-6TA), filed January 27, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Way, Port Hueneme, CA 93041. Representative: Ronald C. Chauvel, 100 Pine St., #2550 San Francisco, CA 94111. *Contract Carrier,* Irregular Routes: *Foundry supplies,* between CA on the one hand, and, on the other, OH and MI. Supporting shipper: Rossborough Manufacturing, 33565 Pin Oak Pkwy., Avon Lake, OH 44012.

MC 141804 (Sub-6-100TA), filed January 26,1981. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *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 AL, AR, AZ, CA, FL, GA, ID, KS, KY, LA, MS, MO, NV, NM, NC, OK, OR, SC, TN, TX, UT, WA and WI, for 270 days. Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway, Green Bay, WI 54305.

MC 112989 (Sub-6-14TA), filed November 24, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same as applicant). *Salt and salt products,* from Multnomah Co., OR to King Co., WA, for 270 days. Supporting shipper: Leslie Salt Co., 7220 Central Ave., Newark, CA 94560.

MC 141804 (Sub-6-101TA), filed January 26, 1981. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Commodities dealt in and utilized by manufacturers and distributors of batteries,* between all points in the U.S. (except AK & HI) and restricted to traffic originating at or destined to the facilities of General Battery Corporation, for 270 days. Supporting shipper: General Battery Corporation, P.O. Box 1262, Reading, PA 19603.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4480 Filed 2-6-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

(1)

Date: February 23-24, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Program: Panel for Music, History of Art, Performing Arts, and Literature, Division of Research Programs, for projects beginning after June 15, 1981.

(2)

Date: February 26-27, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Program: Research Tools and Editions for Classics and Medieval Studies Panel, Division of Research Programs, for projects beginning after June 15, 1981.

(3)

Date: March 2, 3, and 4, 1981.
Time: 7:00 p.m. to 9:00 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the Media Humanities Projects Program, Division of Public Programs, for projects beginning after May 1, 1981.

(4)

Date: March 5-6, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Program: Panel for Editions of Non-American Materials, Division of Research Progams, for projects beginning after June 15, 1981.

(5)

Date: March 5-6, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for Program Development and Special Projects, Division of Special Programs, for projects beginning after June 1, 1981.

(6)

Date: March 9, 10, and 11, 1981.
Time: 7:00 p.m. to 9:00 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the Media Humanities Projects Programs, Division of Public Programs, for projects beginning after May 1, 1981.

(7)

Date: March 12-13, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for Research Materials Program: Editions of American Materials Panel, Division of Research Programs, for projects beginning after June 15, 1981.

(8)

Date: March 12-13, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Program Development and Special Projects, Division of Special Programs, for projects beginning after June 1, 1981.

(9)

Date: March 16-17, 1981.
Time: 9:00 a.m. to 5:30 p.m. each day.
Room: 807.
Program: This meeting will review applications submitted by State humanities committees, Division of State Programs, for activity beginning July 1, 1981.

(10)

Date: March 17, 18, and 19, 1981.
Time: 7:00 p.m. to 9:00 p.m.
Room: 1023.
Program: This meeting will review applications submitted for the Media Humanities Projects Program, Division of Public Programs, for projects beginning after May 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-4574 Filed 2-6-81; 8:45 am]

BILLING CODE 7536-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 4, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

the name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

the office of the agency issuing this form;

the title of the form;

the agency form number, if applicable;

how often the form must be filled out;

who will be required or asked to report;

the Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

whether small businesses or organizations are affected;

a description of the Federal budget functional category that covers the information collection;

an estimate of the number of responses;

an estimate of the total number of hours needed to fill out the form;

an estimate of the cost to the Federal Government;

the number of forms in the request for approval;

the name and telephone number of the person or office responsible for OMB review; and an abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Forest Service
Southern Pine Reforestation
Nonrecurring
Individuals or Households /Farms/ Businesses or Other Institutions
Owners of Privately Owned Forest Land in the South
SIC: Multiple
Small Businesses or Organizations
Conservation and Land Management
1,300 responses, 650 hours; $185,000 Federal Cost, 1 form
Charles A. Ellett—202-395-7340

To meet projected demands for timber in the U.S., timber supplied from nonindustrial private lands must increase from 29 percent of the total timber harvest to 41 percent by 2030. However, less than one third of this land being cut is adequately being reforested. The goal of this survey is to provide a data base for the South from which to formulate policy and direct private landowner actions over the next several decades.

Revisions

• Food Safety and Quality Service
Regulations for the Voluntary Grading of Poultry and Rabbits
PY-32
On occasion
Businesses or Other Institutions
Poultry and Rabbit Processors
SIC: 964 201
Consumer and Occupational Health and Safety
2,097 responses, 125 hours,$648 Federal cost, 2 forms

Charles A. Ellett—202–395–7340

Any grading service shall be for class, quality, or condition. Grading service with respect to determination of quality of products shall be on the basis of U.S. classes, standards and grades. Grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant. When approved by the administrator.

Extensions (No change)

• Animal and Plant Health Inspection Service
Certificate for Poultry or Hatching Eggs for Export
VS 17–6
On occasion
Farms
Poultry Farms and Hatcheries
Agricultural Research and Services
16,000 responses, 2,080 hours; $13,621 Federal cost, 1 form
Charles A. Ellett—202–395–7340

Poultry or hatching eggs exported from the U.S. must be health certified to meet the entry requirements of the destination country. Such certification must be validated by USDA. This report provides such certification and also provides data.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Economic Development Administration
Preliminary Plan For: An Evaluation of Urban Job Targetting
ED–464 QP
Nonrecurring
Individuals or Households/Businesses or Other Institutions Employees at EDA Assisted Projects in Cities Over 50,000
SIC: Multiple
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $115,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Analysis of achievements in providing jobs in urban area projects to unemployed/underemployed/minority population both through direct targetting to people or neighborhoods and through indirect "spill over" effects. This project will assess the targetted impact of EDA involvement in downtown development, the service sector and other special urban initiatives.

• Economic Development Administration
Preliminary Plan For: Longitudinal Analysis of Minority Business Enterprises Participating in the Local Public Works Program
ED–462 QP
Nonrecurring
Businesses or Other Institutions
Minority Construction Firms
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $78,000 Federal cost, 2 forms
William T. Adams, 202–395–4814

The Economic Development Administration needs information on the long-term impacts of the 10 percent minority business enterprise requirement of the LPW program to complete a longitudinal analysis of this program and to guide future policy decisions in regard to similar provisions.

• Economic Development Administration
Preliminary Plan For a Process Evaluation of the Development Finance Program
ED–468 QP
Nonrecurring
State or Local Governments/Businesses or Other Institutions Officials of Assisted and Non-Assisted Firms
SIC: Multiple
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $50,000 Federal cost, 1 form
William T. Adams, 202–395–4814

This process evaluation will provide an assessment of the implementation of the development finance program. The results of the evaluation are needed to provide feedback and recommendations to enable EDA to improve the functioning of the program.

• Economic Development Administration
Preliminary Plan for an Assessment of EDA's Employment Plan Initiative
ED–459 QP
Nonrecurring
State or Local Governments/Businesses or Other Institutions Public Works, Bus. Dev. & Title IX Assistance Recipients
SIC: Multiple
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $60,000 Federal cost, 1 form
William T. Adams, 202–395–4814

Data will be used to assess the initial implementation of the employment plan as a targeting tool. The study will develop recommendations that will improve the acceptance and effectiveness of the employment plan.

• Economic Development Administration
Preliminary Plan for an Evaluation of Employee Stock Ownership (ESOP) Firms Assisted by EDA
ED–467 QP
Nonrecurring
State or Local Governments/Businesses or Other Institutions
Employees of ESOPs
SIC: Multiple
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $50,000 Federal cost, 1 form
William T. Adams, 202–395–4814

The evaluation is intended to assess the impact of EDA assistance on ESOP firms as well as the impact of the assisted firms on distressed areas. The study will provide recommendations on ways in which EDA can improve the types of assistance it now provides to ESOPs.

• Economic Development Administration
Preliminary Plan for an Evaluation of the Women's Business Enterprise Public Works Initiative
ED–465 QP
Nonrecurring
State or Local Governments/Businesses or Other Institutions
Rrp. of S&L Grant, of EDA Ass. & Off. of Bus. Owned by Wom.
SIC: Multiple
Small Businesses or Organizations
Area and Regional Development, 0 responses, 0 hours; $50,000 Federal cost, 1 form
William T. Adams, 202–395–4814

The study will examine the procurement procedures for this demonstration program in the light of other Federal experience with WBE procurement in the area of grants. The information collection will be used to provide feedback and recommendations to grantees during the demonstration to improve their procurement procedures.

• Economic Development Administration
Preliminary Plan for an Evaulation of the Office of Special Projects
ED–466QP
Nonrecurring
State or local governments/businesses or other institutions
Members of com. based orgs. & reprs. of business firms.
SIC: Multiple
Small Businesses or Organizations
Area and regional development, 0 responses, 0 Hours; $75,000 Federal cost, 1 form
William T. Adams 202–395–4814

The study will provide an assessment of the institutional impacts of the special

projects program on community based organizations and economic impacts on businesses and neighborhoods. The study will provide EDA with recommendations on improving the effectiveness of the special projects program.

• Economic Development Administration
Preliminary Plan for Data Collection in Support of a Process Assessment of EDA's Role in the Auto Initiative
ED-458QP
Nonrecurring
State or local governments
Random sample of communities that received EDA assistance
SIC: 961
Area and regional development, 0 responses, 0 Hours; $40,000 Federal cost; 1 form
William T. Adams, 202-395-4814

Data will be used to assess EDA's participation in the Federal response to auto industry community distress. the study will examine the interagency use of title IX in a special initiative.

• Economic Development Administration
Preliminary Plan for an assessment of EDA/UDAG Joint Project Participation
ED-460QP
Nonrecurring
State or local governments/businesses or other institutions recipients having received both EDA & UDAG funding
SIC: Multiple
Small Businesses or organizations
Area and regional development, 0 responses, 0 Hours; $60,000 Federal costs, 1 form
William T. Adams, 202-395-4814.

Data will be used to assess the impacts of joint participation of Federal agencies (HUD and EDA) in alleviating unemployment and underemployment through economic development projects.

• National Oceanic and Atmospheric Administration
Daily Cummulative Catch Log
Other—see SF83
State or local governments
Foreign fishing vessels fishing in the U.S. zone
SIC: 951
Other Advancement and regulation of commerce, 100,000 responses, 50,000 hours; $50,000 Federal cost, 3 forms
William T. Adams 202-395-4814.

These logs are used by the National Marine Fisheries Service in day-to-day fisheries management, to determine fees that must be paid by each nation every three months, and to determine when a nation has its allocations.

• National Oceanic and Atmospheric Administration
Foreign Fishing Effort Plan
On occasion
Businesses or other institutions
Foreignment fishery agencies
SIC: 951
Other advancement and regulations of commerce, 40 responses, 400 hours; $100 Federal cost, 1 form
William T. Adams 202-395-4814.

General purpose statistics, program planning and management.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strand—202-245-7488

New

• Health Care Financing Administration
Integrated Quality Control Review Worksheet
HCFA-316
On occasion
State or local governments
State medicaid agency personnel
SIC: 919
Health care services, 28,638 Responses, 429,570 Hours; $439,316 Federal cost, 1 form
Richard Eisinger 202-395-6880

The integrated QC worksheet is used by HCFA, SSA, and FNS as the single form in quality control programs. When final and operational, it will effectively reduce burden by providing for a single, statistically valid sample which will meet the need of all three programs. Currently the form is used in selected States on a demonstration basis. Will not be applied to all States this year.

• Health Care Financing Administration
Evaluation of the SSOP Medicare Demonstrations in Detroit and New York and the Medicaid Program in Massachusetts
HCFA-250 thru HCFA-254
Nonrecurring
Individuals or households/businesses or other institutions
Sec. surg. opinion prog. partic—medicaid & med. bene & phy
SIC: 801
Health 20,623 responses, 5,269 Hours; $2,570,773 Federal cost, 5 forms
Richard Eisinger 202-395-6880

Evaluation will provide data for assessing the effects of second opinion programs on patients' health status from the perspectives of both the patient and the physician.

Revisions

• Departmental Management
Federal Cash Disbursements
OS-28-80
Monthly, quarterly
State or local governments/businesses or other institutions
Recipients of HHS grants-in-aid via DFAFS.
SIC: Multiple
Public assistance and other income supplements, 56,000 responses, 672,000 hours; $47,000 Federal cost, 2 forms
Gwendolyn Pla, 395-6880

This is a report to monitor Federal cash advances to recipients and obtain cash disbursement information. DFAFS R-27 (revised) will be replaced with SF-272.

• Social Security Administration
Report to Social Security Administration by Person Outside the United States
SSA-1425-FC
On occasion
Individuals or households
Per. rec. SS Bene. outside the U.S. who are req. to report. etc
General retirement and disability insurance, 30,000 responses, 2,500 hours; $189,900 Federal cost, 1 form
Barbara F. Young, 202-395-6880

Sections 202, 203, and 223 of the Social Security Act provide for the collection of information regarding beneficiaries living outside the United States. This form is used for beneficiaries to report to SSA changes in their circumstance which may affect their countinuing entitlement or benefit amount.

• Social Security Administration
Statement of Institution or Social Agency
SSA-1255
On occasion
Businesses or other institutions
Instit. or soc. agen. in which a beneficiary resides
SIC: 603 805 806 811
Small businesses or organizations
General retirement and disability insurance, 10,000 responses, 833 hours; $94,100 Federal cost, 1 form
Barbara F. Young, 202-395-6880

Sections 205(A) and (J) of the Social Security Act provide for the certification of payment of a Social Security beneficiary's payments to a relative or some other person when it appears that to do so would serve the best interest of the beneficiary. The information is used to verify a representative payee's accounting for use of Social Security benefit payments. It also elicits information about the representative payee's interest in the welfare of the beneficiary.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

• Gelogical Survey
Report of Sales and Royalty Remittance

9–2014
Monthly
Individuals or households/businesses or other institutions
Oper. of onshore and offshore Fed. and Indian mineral leases
SIC: 131, 132, 138,
Other natural resources, 120,000 responses, 60 hours; $500,000 Federal cost, 1 form
Erika Jones, 202–395–7340

Sales and royalty data are used by the USGS to maintain lease accounts on a monthly basis and to reconcile or audit the data. Data collected prior to adoption of this form were not adequate and were not standard for all offices.

Reinstatements

• United States Fish and Wildlife Service
Application for Federal Bird Marking and Salvage Permit
3–481
On occasion
Individuals or households
Applicants for mig. bird binding, marking, and salvage acts.
Recreational resources, 450 responses, 225 hours; $800 Federal cost; 1 form
Erika Jones, 202–395–7340

Form 3–481 provides information needed in evaluating applicants' qualifications to obtain a permit. The data are used to adequately assess the applications.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—202–633–3526

Revisions

• Office of Justice Assistance, Research and Statistics
Aggregate Conditional Release Data Form
BJS/6200: UPR 1
Annually
State or local governments
State paroling auth. or St. Departments of Corrections
SIC: 922
Criminal justice assistance, 58 responses, 87 hours; $186,732 Federal cost; 1 form.
Andy Uscher, 202–395–4814

These data represent the only national totals for persons placed on parole and removed from parole annually, as well as year-end counts of the parole populations. They are used by paroling authorities, parole agencies, legislators, correctional administrators, and researchers.

• Office of Justice Assistance, Research and Statistics
Criminal Defense Trainer Needs Assessment and Training Resource inventory
(SER. 3350) (8–80) LEAA
Nonrecurring
State or local governments
Criminal defense trainers
SIC: 922
Criminal justice assistance, 600 responses, 300 hours; $24,492 Federal cost, 1 form
Andy Uscher, 202–395–4814

The defense sector is the fastest growing part of the criminal justice system, and local and State training has mushroomed since 1970 albeit in an ad hoc manner. No accurate comparative information concerning defense trainers' needs and existing resources exists that would permit effective sharing of techniques and resources, the examination of innovative training approaches, and the development of a national strategy or plan to support local activities nationwide.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6341

New

• Bureau of Labor Statistics
Employer Records Survey (Survey of Employer Recordkeeping Practices)
BLS 790–ERAS
Nonrecurring
Businesses or other institutions
Indust. estab. in 4 States: Fla., Mass., Texas and Utah
SIC: All
Small businesses or organizations
Other labor services, 1,200 responses, 1,500 hours; $100,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202–673–7974

The survey questionnaire and interviewer guide submitted for clearance is to be used in the collection of information on data types and frequency of data availability. The information is to be used in support of major review of BLS establishment survey on employment and earnings (BLS 790).

• Employment and Training Administration
Forms for the Interstate Clearance Program of Service to Migratory Agricultural Workers and Employers
ETA 790, ETA 795, ETA 785, ETA 785A
On occasion
State or local governments
State employment service agencies
SIC: 944
Training and employment, 22,000 responses, 13,000 hours; $93,200 Federal cost, 4 forms
Arnold Strasser, 202–395–6880

Forms are used by the SESA's in servicing ag. employers to insure that their labor needs for domestic migratory ag. workers are met, in servicing domestic ag. workers to assist them in locating jobs expediously and orderly, to insure exposure of employment opportunities to domestic ag. workers before certification for employment of foreign workers.

Extensions (No Change)

• Bureau of Labor Statistics
Monthly Report on Employment, Plant Man-Hours, and Straight-Time Payrolls in Selected Shipyards
BLS–1360
Monthly
Businesses or other institutions
Shipyards selected by naval sea system command
Small businesses or organizations
Other labor services, 240 responses, 160 hours; $27,500 Federal cost, 1 form
Off. of Federal statistical policy and standard, 202–673–7974

The BlS 1360 is used to collect monthly data on straight-time earnings from selected shipyards. These data are often used to calculate national, Atlantic, and Pacific region indexes of straight-time earnings. These indexes are used by the Navy Department and Maritime Administration for the adjustment of reinbursement to shipbuilders for labor costs incurred on certain Government shipbuilding contracts.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–2179

Extensions (Burden Change)

• United States Customs Service
Air Cargo Manifest
CF–7509
On occasion
Businesses or other institutions
Airlines
Small businesses or organizations
Federal law enforcement activities, 280,000 responses, 23,324 hours; $249,477 Federal cost, 1 form
Warren Topelius, 202–395–7340

To allow the air cargo carrier to list in a standardized format, all cargo aboard the aircraft, as required by statute, and to provide customs with a standardized system to assure that duties and taxes are paid on imported goods as required by Statute.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—202–287–0754

Reinstatements

• Premanufacture Notificatdomestic Manufac
On occasion
Business or other institutions
Chemical manufactures
SIC: 147, 281, 282, 284, 285, 286, 289, 291, 386
Small businesses or organizations
Pollution control and abatement, 475 responses, 66,500 hours; 1 form
Edward H. Clarke, 202–395–7340

Under section 5 of TSCA, any person who intends to manufacture a new chemical substance for a commercial purpose must submit a notice to EPA at least ninety days before commencing manufacture. Section 5 (d)(1) defines the content of a premanufacture notice. EPA is required under TSCA to review the information submitted to determine whether action under sections 5(e) or 5(f) is warranted.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Revisions

• Request to Lender for Status Loan Account—LCS
26–8778
On occasion
Business or other institutions
Holder/Servicer
SIC: 616
Small business or orgainzations
Veterans housing, 123,000 responses, 10,250 hours; $957,719 Federal cost 1 form
Robert Neal, 395–6880

Status request to holders of guaranteed loans or vendee loans sold with VA repurchase agreement on loan previously reported in default. Holders are required to report by 38 U.S.C. 1804 or 1820 and VA Regulation 4280, 4282, 4317, 4319, 4600 (C). Data is essential to VA contracts with obligors and handling of claims.

Reinstatements

• Court Appointed Fiduciary's Account
27–4706C
On occasion
Individuals or householders/businesses or other institutions
Fiduciaries
SIC: 606, 604
Small businesses or orgainzations
Other veterans beneifts and services, 13,100 responses 32,750 hours: $60,315 Federal cost, 1 form
Robert Neal, 395–6880

Court appointed fiduciaries are required by State law to file statement of accounts at regular intervals. The VA supplies complimentary copies of forms that are acceptable to the courts and to the VA under its supervisory responsibility under 38 U.S.C. Sec. 32302.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

• Railroad Job Vacancies
On occasion
Businesses or other institutions
Rail carriers
SEC: 401
Small businesses or organizations
Unemployment compensation 750 responses, 125 hours; $39,900 Federal costs, 1 form
Barbara F. Young, 202–395–6880

Section 11 of the Milwaukee Railraod Restructuring Act requires that the board maintain a list of employment available with rail carriers. The collection obtains notice of the job vacancies. The information is used to find jobs for individuals separated from the Milwaukee Railroad.

Extensions (No Change)

• Application/Claim for Supplementary Unemployment Insurance
UI–110 & UI–111
On occasion
Individuals or households
Separated or furloughed Milwaukee Railroad employees
Unemployment compensation, 2,000 responses 300 hours; $95,760 Federal cost 2 forms
Barbara F. Young, 202–395–6880

Section 10 of the Milwaukee Railroad Restructuring Act provides supplementary unemployment benefits for separated Milwaukee Railroad employees. The application and claim obtains the information needed to determine whether the benefits are payable and the amount of the beneifts.

• Application for Reimbursement/ Verification of Enrollment and notice of change in educational program for new career training assistance
UI–112 UI–113 & UI–114
On occasion
Individuals or households/businesses or other institutions
Former Milwaukee Railroad employees and schools
Unemployment compensation, 1,025 responses, 405 hours; $130,340 Federal cost, 3 forms
Barbara F. Young, 202–395–6880

Under section 12 of the Milwaukee Railroad Restructuring Act. New career training assistance is provided for separated Milwaukee Railroad employees. The collection will obtain the information needed to determine whether the applicant is qualified for new career training assistance and to remiburse the applicant for the training.

UNITED STATES METRIC BOARD

Agency Clearance Officer—Stanley R. Parent—703–235–2583

New

• Survey of Consumer Attitudes and Awareness of the Metric
Conversion of distrilled spirits
Nonrecurring
Individuals or households
Stratified random sample of housholds in the United States
Other advancement and regulation of commerce, 800 responses, 29 hours; $12,000 Federal costs 1 form
William T. Adams, 202–395–4818

The U.S. Metric Board is conducting a case study of the conversion of distilled spirit containers in order to assess its planning guidelines and policy. the information in this survey is needed in order to determine if consumers are aware of and understand the new metric sizes. If they are satisfied with them, and how they learned about them. the results of the survey will be used by the U.S. Metric Board to develop guidelines and policy which ensure adequate consumer involvement.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81–4565 Filed 2–6–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17506; File No. SR-Amex-80–32]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.

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. 94–24, 16 (June 4, 1975), notice is hereby given that on November 21, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Amex's Statement of the Terms and Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 462(d)(7) as follows: (Brackets indicate material to be deleted and italics indicate material to be added.)

Rule 462(d)(7) Practice of Meeting Margin Calls by Liquidation Prohibited

(*i*) No member [member firm or member corporation] *or member organization* shall permit a customer to make a practice of effecting transactions requiring margin and then either deferring the furnishing of margin beyond the time when such transactions would ordinarily be settled or cleared, or meeting such demand for margin by the liquidation of the same or other commitments in his account (*"free-riding"*).

(ii) An options specialist or registered options trader shall not make a practice of "free-riding" with respect to transactions effected in underlying securities.

(A) The acquisition or liquidation of a "permitted offset position" as defined in Regulation T or of a position reasonably anticipated by an options specialist or registered options trader to be a "permitted offset position" at the time it was acquired shall be exempt from this limitation.

(B) An options specialist or registered options trader shall be deemed to be making a "practice" of free-riding whenever such options specialist or registered options trader furnishes the initial margin required for transactions effected in underlying securities by unintentional liquidation of such positions more than three times in any calendar quarter.

Amex's basis and purpose for the proposed rule change is as follows:

The Federal Reserve Board recently amended Regulation T (12 CFR 220.4(g)) affecting credit extended to options specialists and options market-makers (R-0054, June 11, 1980). The amendment prohibits specialists and options market-makers from making a practice of "free-riding", i.e., furnishing the initial margin required under Regulation T for transactions effected in underlying securities by liquidation of the underlying securities positions resulting from such transactions. The acquisition or liquidation of a "permitted offset position" as defined in Regulation T is expressly exempt from the "free-riding" rule. In the event of a violation of Regulation T, a creditor may not extend further credit for 15 days, except to finance a specialist's registered securities and "permitted offset positions."

Amex's "free-riding" rule (Rule 462(d)(7)) has previously been interpreted as being applicable to options specialists and registered options traders. The Federal Reserve Board has indicated that a "free-riding" rule adopted by an exchange may be modified (1) to expand Regulation T's "permitted offset position" exemption to include a position in an underlying security which was "reasonably anticipated" by the options specialist or registered options trader to constitute a permitted offset position at the time the position was acquired, and (2) to define when an options specialist or registered options trader will be deemed to be making a "practice" of free-riding.

It is proposed that the Exchange's "free-riding" rule be amended to reflect these modifications. The "reasonably anticipated" standard set forth in the amended rule means that an options specialist or registered options trader must be able to demonstrate that the transaction at the time of execution would have resulted in a "permitted offset position." This standard does not include transactions which are executed substantially before option hedge transactions or in anticipation of changes in the price of options or underlying securities.

An options specialist or registered options trader will be deemed to be making a "practice" of free-riding whenever he inadvertently meets margin requirements by liquidation on more than three occasions in any calendar quarter. This will provide a specific guideline for clearing firms to follow in enforcing the rule.

The proposed amendment to Rule 462(d)(7) is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b) (1) and (5), in particular, in that it clarifies the applicability of the "free-riding" policy of Regulation T and thus enhances the Exchange's ability to enforce compliance with that policy in an effective and fair manner.

Comments have neither been solicited nor received from members, participants or others on the proposed rule changes.

The Exchange has determined that no burden on competition will be imposed by the proposed rule change.

Notice for Comments

On or before March 16, 1981, or within such longer periods (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 changes, or

(B) institute proceedings to determine whether the proposed rule changes 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 six 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 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 on or before March 2, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 2, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 4478 Filed 2-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11597; 812-4742]

O-W Fund, Inc., Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From all Provisions of the Act

February 2, 1981.

Notice is hereby given that The O-W Fund, Inc. ("Applicant"), 800 Garrett Building, 233 East Redwood Street, Baltimore, Maryland 21202, a Maryland corporation, filed an application on October 3, 1980, and an amendment thereto on November 28, 1980, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. 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.

According to the application, Applicant was organized in September, 1929, under the name The O-W Reality Company and was, until 1933, a dormant "shell" corporation. Applicant states that in 1933 it changed its name to The National Brewing Co. and began operating a beer brewing business. Applicant further states that either directly or through wholly-owned subsidiaries it has, since 1933, engaged in the manufacture and distribution of floor waxes, polishes, disinfectants, soap products, olive oil, bitters, massage creams, and certain frozen food products. Applicant also states that it is

the owner of approximately 88.3% of the outstanding common stock of Bird Holding, Inc. ("Bird Holding"), a Maryland corporation, which was formerly Baltimore Orioles, Inc. According to the application, Bird Holding, a holding company, owns approximately 80.2% of the outstanding common stock of Bird Fund, Inc. ("Bird Fund"), a Missouri corporation, which was formerly the Baltimore Baseball Club, Inc., the corporation which operated the Baltimore Orioles professional baseball franchise prior to the sale of substantially all its operating assets to EBW, Inc., a Maryland corporation, in November 1979.

Applicant states that it operated the brewing business until October 31, 1975, when it sold substantially all its brewing assets to the Carling Brewing Company, a Virginia corporation, for cash and changed its name to The O-W Fund, Inc. Applicant further states that since October 31, 1975, its business operations have consisted of the investment of its funds, the ownership of a controlling interest in Bird Holding, and the sale of the operating assets of its remaining manufacturing and distribution subsidiaries (the last sale of such assets occurring on or about April 26, 1976). According to the application, Applicant utilizes two investment advisers, both of which are registered under the Investment Advisers Act of 1940. Applicant further states that investments recommended by these investment advisers are subject to review by a committee of the Board of Directors of Applicant and can be rejected or approved by that committee.

According to the application, Applicant's corporate charter, as amended, authorizes the issuance of 150,000 shares of common stock and a class of preferred stock. Applicant states that between the years 1933 through 1936 all but 300 shares of its common stock was issued and that the remaining 300 shares of common stock were issued during the years 1943 and 1945. Applicant further states that of the original thirty-five subscribers of its common stock, sixteen were members of the Hoffberger family of Baltimore, three were members of the Krieger family of Baltimore, one was the Chairman of the Boad of Applicant (Mr. Robert Ennis), and six were officers or employees of Applicant. The remaining nine subscribers, according to Applicant, were friends or business associates of the Hoffberger family. The Applicant also states that of the 150,000 shares of its originally issued common stock, 118,966⅔ shares were issued to the Hoffberger family and 20,200 shares were issued to the Krieger family and that as a percentage the Hoffberger and Krieger families held 92.78% of the Applicant's originally issued common stock.

Applicant states that its corporate charter, as amended, authorizes the issuance of 100,000 shares of six percent cumulative non-voting preferred stock. Applicant further states that in 1946 it issued 49,143 shares of its preferred stock in exchange for all the issued and outstanding capital stock of a brewing company and that all such shares of preferred stock were redeemed by the Applicant in 1977. Applicant represents that no other shares of preferred stock have been issued by it.

Applicant states that since the original issuance of its common stock, there has been no material change in either the number of shares of common stock of the Applicant owned by the respective classes of original subscribers or the percentage of issued and outstanding common stock issued to the members of each such class. Applicant represents that as of April 30, 1980, 120,663⅔ shares were held by the Hoffberger family as individuals or in Hoffberger family trusts and 17,320 shares were held by members of the Krieger family. Applicant further states that as a percentage of the number of shares of common stock outstanding, the Hoffberger (including family trusts) and Krieger families held 92.66% of the Applicant's common stock. In addition, Applicant states that of its 149 shareholders of record on April 30, 1980, 119 shareholders were either members of the Hoffberger (including family trusts) or Krieger families.

According to the application neither the common stock nor the preferred stock of the Applicant has been listed or traded on any securities exchange. Applicant states that from October 31, 1975, the date of the sale of the Applicant's brewing business to The Carling Brewing Company, 81 transactions in Applicant's common stock have been recorded in Applicant's stock transfer record books. Applicant further states that of these transactions, 58 were transfers between members of the Hoffberger or Krieger families and three wer stock redemptions by the Applicant. Finally, all of Applicant's officers and directors are members of the Hoffberger or Krieger families or members of the law firm which serves as counsel to Applicant.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or classes of persons, securities or transactions, from any provision or provisions of the Act or 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.

Without admitting or denying Applicant's status as an investment company under Section 3(a) of the Act, but for the sole purpose of resolving prospectively any questions concerning such status, Applicant requests an order of the Commission exempting it from all provisions of the Act. Applicant states that the requested order should be granted since it is a family controlled, closely held private company. As stated previously, 119 of a total of 149 current shareholders of Applicant are members of either the Hoffberger (including family trusts) or Krieger families. Applicant notes that such family ownership has remained virtually unchanged since 1933. Applicant states that only as a result of the sale of its brewing assets in 1975 did a question arise as to Applicant's status under the Act. Moreover, Applicant submits that as a result of its status as a family controlled, closely held private company its stockholders do not need the protections afforded by the Act. Finally, Applicant states that it is not and never has been the type of organization that Congress intended be subject to regulation under the Act and that regulation of Applicant under the Act would not provide significant benefits to the shareholders of Applicant. In this regard, Applicant argues that as an essentially private company it does not have the objectives, structure, or functions of a traditional investment company.

Applicant states that any order granted by the Commission in response to this application may be subject to the following conditions:

(1) That Applicant will not amend its charter to authorize more than 150,000 shares of its common stock or more than 100,000 shares of its preferred stock without first obtaining with respect to any such amendment an amended exemptive order from the Commission, or first registering with the Commission as an investment company.

(2) That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so, Applicant will continue to:

(a) hold regular meetings of its shareholders on an annual basis for the purpose of electing directors and transacting such other business as may properly come before such meeting;

(b) submit for shareholder ratification or approval at each annual meeting of shareholders the appointment of the independent certified public accountants engaged by Applicant;

(c) submit for shareholder approval or ratification at each annual meeting of shareholders the appointment of each investment adviser engaged by Applicant; and

(d) furnish annually to the shareholders of Applicant audited financial statements of Applicant and a written report of Applicant's operations by the President of Applicant substantially in the form that Applicant has submitted to shareholders in the past.

(3) That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so, or first registering with the Commission as an investment company, Applicant shall not knowingly make available to any broker or dealer registered under the Securities Exchange Act of 1934 ("1934 Act") any financial information concerning Applicant for the purpose of knowingly enabling such broker or dealer to initiate any regular trading market in the common stock or preferred stock of Applicant.

(4) That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so, or first registering with the Commission as an investment company, Applicant shall, on a semi-annual basis during the months of January and July of each year, notify the Commission in writing (the "Notice") of all known transfers for consideration of Applicant's common stock or preferred stock to persons or entities other than Hoffbergers, Kriegers, heirs of Robert Ennis, persons related by blood or marriage to Hoffbergers, Kriegers or Robert Ennis, or persons or entities who are or which are affiliated persons, as defined in Section 2(a)(3) of the Act, or employees of such persons (a "Reporting Transfer"). The Notice shall be addressed to the Division of Investment Management, Office of Investment Company Regulation, Securities and Exchange Commission, Washington, D.C. With respect to each Reporting Transfer, the Notice shall set forth, to the extent known to Applicant, the names and addresses of the transferor and the transferee(s) and the number of shares of common stock or preferred stock so transferred. Applicant agrees each calendar year during the month of July to mail to each new, known transferee of its shares who acquired such shares since Applicant last mailed to its shareholders copies of its audited financial statement for its immediately preceding fiscal year other than Hoffbergers, Kriegers, heirs of Robert Ennis, persons related by blood or marriage to Hoffbergers, Kriegers or Robert Ennis, or persons or entities who are or which are affiliated persons, as defined in Section 2(a)(3) of the Act, or employees of such persons, or any broker or dealer registered under the 1934 Act, or to any nominee of any such broker or dealer in whose "street name" is registered any shares of the Applicant's common stock or preferred stock, a letter advising such transferee of the availability of Applicant's audited financial statements and a copy of Applicant's President's report upon written request by the transferee.

(5) That, unless Applicant shall have first obtained an amended exemptive order from the Commission, or first registering with the Commission as an investment company, Applicant will not issue any of its preferred stock to any persons or entities other than Hoffbergers, Kriegers, heirs of Robert Ennis, or persons or entities who are or which are affiliated persons, as defined in Section 2(a)(3) of the Act, or employees of such persons.

Notice is further given that any interested person may, not later than February 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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. 81-4479 Filed 2-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0201]

Carolina Venture Capital Corp.; Issuance of License

On December 5, 1980, a notice was published in the **Federal Register** (45 FR 80625) stating that an application had been filed by Carolina Venture Capital Corporation, Suite 109, Sea Pines Executive Office Building, Pope Greenwood Complex, Hilton Head Island, South Carolina 29928, with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (SBIC's) under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business December 22, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 04/04-0201 to Carolina Venture Capital Corporation, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4501 Filed 2-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5426]

Franklin MESBIC CORP.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 *et seq.*), has been filed by Franklin MESBIC Corporatioin (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

*Herman E. Goodman, President and Director, 115 Central Park West, New York, New York 10023
Alan L. Farkas, Executive Vice President, Treasurer and Director, 21 Bounty Lane, Jericho, New York 11753
James S. Eisberg, Secretary and Director, 125 E. 93rd Street, New York, New York 10028
Elliot Gorman, Controller and Director, 49 Lyncrest Drive, Monsey, New York 10952
The Franklin Corporation, Sole Stockholder, 1 Rockefeller Plaza, New York, New York 10020

The Applicant, a New York corporation, with its principal place of business at Franklin MESBIC Corporation, 1 Rockefeller Plaza, New York, New York 10020, will begin operations with $505,000 of paid-in capital and paid-in surplus derived from the sale of 101 shares of common stock to The Franklin Corporation.

The Applicant will conduct its activities principally in the State of New York. Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than February 24, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4562 Filed 2-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:30 a.m., on Wednesday, February 25, 1981, at the Pureto Rico National Guard Officers Club, San Juan, Puerto Rico, to discuss such matters as may be presented by members, staff of the U.S. Small Business Adminstration, or others present.

For further information, write or call Wilfred Benitez-Robles, District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691, Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918—(809) 753-4218.

Dated: February 4, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81-4563 Filed 2-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1900; Amdt. #6]

Texas; Declaration of Disaster Loan Area

The above numbered Declaration (see 45 FR 56489), amendment #1 (see 45 FR 62599), amendment #2 (see 45 FR 79216), amendment #3 (see 45 FR 85242), amendment #4 (see 46 FR 3711), and amendment #5 (see 46 FR 8819), are amended by adding the following county and adjacent counties within the State of Texas as a result of natural disaster as indicated:

County, Natural Disaster(s), and Date(s)

Ochiltree, Drought, 6/15/80-10/31/80

All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on February 12, 1981, and for economic injury until the close of business on May 12, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 8, 1980.

Harold A. Thieste,

Acting Administrator.

[FR Doc. 81-4564 Filed 2-6-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Delegation of Authority No. 146; Public Notice 741]

Delegation of Personnel Authorities

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) and section 206(b) of the Foreign Service Act of 1980 (22 U.S.C. 3936(b)), the following functions are hereby delegated to the Director General of the Foreign Service and Director of Personnel of the Department of State:

1. The appointing authority of the Secretary of State under title 5, United States Code, with respect to positions in the competitive service and the excepted service;

2. The appointing authority of the Secretary of State under section 522 of the Foreign Service Act of 1946 (22 U.S.C. 922) with respect to Foreign Service Reserve officers, under section 531 of such Act (22 U.S.C. 936) with respect to Foreign Service staff officers and employees, under section 541 of such Act (22 U.S.C. 946) with respect to alien clerks and employees, and under section 551 of such Act (22 U.S.C. 951) with respect to consular agents.

3. The authority of the Secretary of State under section 638 of the Foreign Service Act of 1946 (22 U.S.C. 1008) to terminate limited appointments of Foreign Service Reserve officers and staff officers and employees, under sections 662 and 663 of such Act (22 U.S.C. 1027, 1028) to separate alien clerks and employees, and under section 671 of such Act (22 U.S.C. 1031) to separate consular agents.

4. Effective February 15, 1981, the appointing authority of the Secretary of State under section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943) with respect to members of the Foreign Service.

5. Effective February 15, 1981, the authority of the Secretary of State under section 611 of the Foreign Service Act of 1980 (22 U.S.C. 4011) to terminate limited appointments of members of the Foreign Service.

6. Effective February 15, 1981, the authority of the Secretary of State under section 612 of the Foreign Service Act of 1980 (22 U.S.C 4012) to terminate appointments of consular agents and foreign national employees.

The authority herein delegated shall be exercised in accordance with applicable regulations and may be redelegated to Deputy Assistant Secretaries and Office Directors in the Bureau of Personnel, and to principal officers at Foreign Service posts, who may approve further redelegations.

The Secretary of State, the Deputy Secretary of State or the Under Secretary of State for Management, or the designee of any such officer, may at any time exercise any of the functions herein delegated.

All pervious delegations of authority with respect to any function herein delegated and not heretofore revoked, superseded or otherwise made inapplicable shall continue in force and effect until modified, amended, or terminated by appropriate authority.

Dated: January 29, 1981.

Alexander Haig,

Secretary of State.

[FR Doc. 81-4456 Filed 2-6-81; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-3]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 2, 1981.

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

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

(Paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).)

Issued in Washington, D.C., on January 29, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21131	Air Berlin USA	14 CFR 121.407	To permit petitioner to use a B-737 airplane simulator approved by the Belgian Administration De L' Aeronautique for the conduct of proficiency checks.
21103	Tate's Greenbrier Airport, Inc	14 CFR 121.291(a)(1)	To allow Mr. Dallas Moore to act as pilot in command without an instrument rating.
12635	Texas Instruments, Inc	14 CFR 91.217, 91.219, and 91.169.	Renewal of exemption No. 1666E which permits the use of the inspection provisions of Section 91.217 and 91.219 instead of Section 91.169.
21210	United States Parachute Association	14 CFR 91.47 and 105.43	To permit carriage of 40 and 20 parachutists in DC-3/C-47 and Lockheed 18 airplanes respectively, without having the required number of emergency exits, and exemption from parachute equipment and packing requirements. These exemptions are requested for the 1981 U.S. National Championships from June 25 through July 14, 1981, and for the World Championships from October 1, through October 20, 1981.
18617	Alaska Air Carriers Association	14 CFR 135.203(a)(1)	To amend Exemption No. 2686A, and to extend expiration date. To allow Petitioner to conduct day Visual Flight Rule operations below 500 feet Mean Sea Level when outside controlled airspace.
19332	Soaring Society of America	14 CFR 91.42(a)(1)	To allow Petitioner to operate aircraft that have an experimental certificate, for other than the purpose for which the certificate was issued.
21256	Gordan D. Lingle	14 CFR 65.91(c) (1) and (2)	To enable Petitioner to become eligible for an Inspection Authorization without meeting the specified requirements.
21133	Anton Gi Girolamo	14 CFR 61.73	To allow Petitioner to obtain a pilot certificate and ratings as a former military pilot although he has not been on flying status within the 12 months before he applies.
21235	Tanner Aviation	14 CFR 135.243(b)(3)	To allow Petitioner to operate as a pilot in command in his Part 135 operation without an instrument rating.
19444	Kodiak Western Alaska Airlines	14 CFR 135.203(a)(1) and 135.205(a).	Extension of Exemption No. 2878 for 1-year. The present exemption permits the petitioner to operate under Visual Flight Rules (VFR) conditions below 500 feet above the surface or less than 500 feet horizontally from any obstacle and to permit VFR operations in controlled airspace when the ceiling is less than 1,000 feet and flight visibility is less than two miles.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
19470	Airwest Helicopters	14 CFR 135.261	Amendment to Exemption No. 2860 to add at least one and possible seven other hospitals to the terms of that exemption. The present exemption allows Airwest to operate helicopters in hospital ambulance service with each pilot given at least 8 consecutive hours (rather than 10) of rest during any 24-hour period of duty at the contracting hospitals. *Granted 1/14/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
21091	Austral Lineas Aereas	14 CFR Parts 21 and 91	To permit Petitioner to operate United States (U.S.)-registered DC-9-80 leased aircraft, using a master minimum equipment list (MMEL) and a maintenance and inspection program developed by Douglas Aircraft Co. *Granted 1/14/81.*
20418	Northern Air Cargo, Inc. (NAC)	14 CFR 121.185(a)	To allow the operation of NAC DC-6 aircraft into Savoonga and Gambell, St. Lawrence Island, Alaska using 70 percent of the effective length of the runway for landing and stopping. *Denied 1/16/81.*
20399	Flying Boat, Inc	CAR 4b.604(n)	To permit the petitioner to operate Grumman G-111 aircraft without complying with the requirement that a means exist for each reversing propellor to indicate to the pilot when the propeller is in reverse pitch. *Denied 1/16/81.*
20853	United Air Lines (UAL)	14 CFR 121.351(a)	To permit UAL to conduct extended overwater operations over the Gulf of Mexico with only one Omega Navigation System and/or one high frequency radio. *Granted 1/16/81.*
20662	Stuart P. Sarasin	14 CFR 135.243(a)	To permit petitioner to serve as a pilot in command prior to his 23rd berthday and without holding an Airline Transport Pilot Certificate. *Denied 1/26/81.*
20867	Air Transport Association of America	14 CFR 121.578	To permit petitioner's members to operate aircraft except B-747SP aircraft without compliance with cabin ozone concentration provisions for a period of one year. *Granted 1/19/81.*
20900	Flight Trails	14 CFR 135.171(a)	To allow petitioner to continue to operate a recently purchased DC_3 aircraft under Part 135 for a 90-day period without having crew shoulder harnesses installed. *Withdrawn 1/21/81.*
20499	Frank E. Morris	14 CFR Part 123	To permit Part 123 operation of a Vickers Vicount aircraft without a flight recorder, cockpit voice recorder, and a ground proximity warning glide slope deviation alerting system. *Granted 1/23/81.*
16301	Western Airlines	14 CFR 121.574	An extension of Extension of Exemption No. 2330B which permits petitioner to continue to allow passengers to carry and operate oxygen equipment that is maintained by Air Medic instead of by Western. *Granted 1/26/81.*
16292	Swift Aire Lines	14 CFR 121.371(a) and 121.378	Extension of Exemption 2344C which allows the functions specified in the sections to be completed for petitioner on their Nord 262 airplanes by foreign manufacturers and air repair agencies when the maintenance is performed outside the United States. *Granted 1/23/81.*
20864	InterContinental Airways, Co. (ILAX)	14 CFR 121.291(a)(1)	To permit ILAX to operate a DC-8-61F aircraft configured with 252 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 1/26/81.*

[FR Doc. 81-4320 Filed 2-6-81; 8:45 am]

BILLING CODE 4910-13-M

WATER RESOURCES COUNCIL

Levy Reclaform Project, River Rouge, Mich.; Water Assessment

AGENCY: United States Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the Water Assessment Report prepared by the Water Resources Council under the provisions of Section 13(c) of the Federal Nonnuclear Energy Research and Development Act of 1974. The Levy Reclaform plant will agglomerate coke particles into briquets for blast furnace fuel. The plantsite is located on Zug Island at the confluence of the Rouge and Detroit Rivers.

DATE: Comments on this report are due on or before May 11, 1981.

ADDRESS: Send comments to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader, or Hai C. Tang, Staff Specialist, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037, phone: 202/254-6352.

Dated: February 3, 1981.

Gerald D. Seinwill,

Acting Director.

Preface

WRC was requested to perform this assessment by the U.S. Department of Energy (DOE) on December 19, 1980. Publication of this report in the **Federal Register** is mandated under provisions of Section 13 to enable public review and comment during a 90-day period. After the 90-day review period, WRC staff will analyze the comments received and will forward the comments, the WRC analysis, and the water assessment report to the Secretary of the Department of Energy.

A. *Project Features.*—The Levy Reclaform project will collect the fine particles generated in coke production that would otherwise be lost and will agglomerate these into briquets for blast furnace fuel. The plantsite is located amid the ore and coal storage area, the coke plant area, and the blast furnace area of the Great Lakes Steel Division. The project will produce approximately 4,000 barrels of oil equivalent per day.

B. *Project Site.*—The Reclaform plantsite is located on Zug Island at the confluence of the Rouge and the Detroit Rivers (Figure 1). The plant area is approximately 5 acres. The flat site has porous ground, so that rain water percolates directly into the groundwater table, which is approximately 7 feet below ground surface. Consequently, if there is any runoff, the amount is negligible. No reported river elevation would flood the site.

C. *Water Requirements.*—The Reclaform plant uses no water for the process; however, it will require 6,000 gallons per day of potable water for sanitary uses by employees. The potable water will be obtained as part of the overall steel mill potable water supply (500,000 gallon per day) from the city of River Rouge, which in turn, obtains its supply from the Detroit water supply system. The Detroit system has a capacity of 1.4 billion gallons per day. The sanitary sewage from the plant will be discharged to the Detroit Sewage System for treatment. The Detroit Sewage Treatment Plant currently has a treatment capacity of 1.2 billion gallons

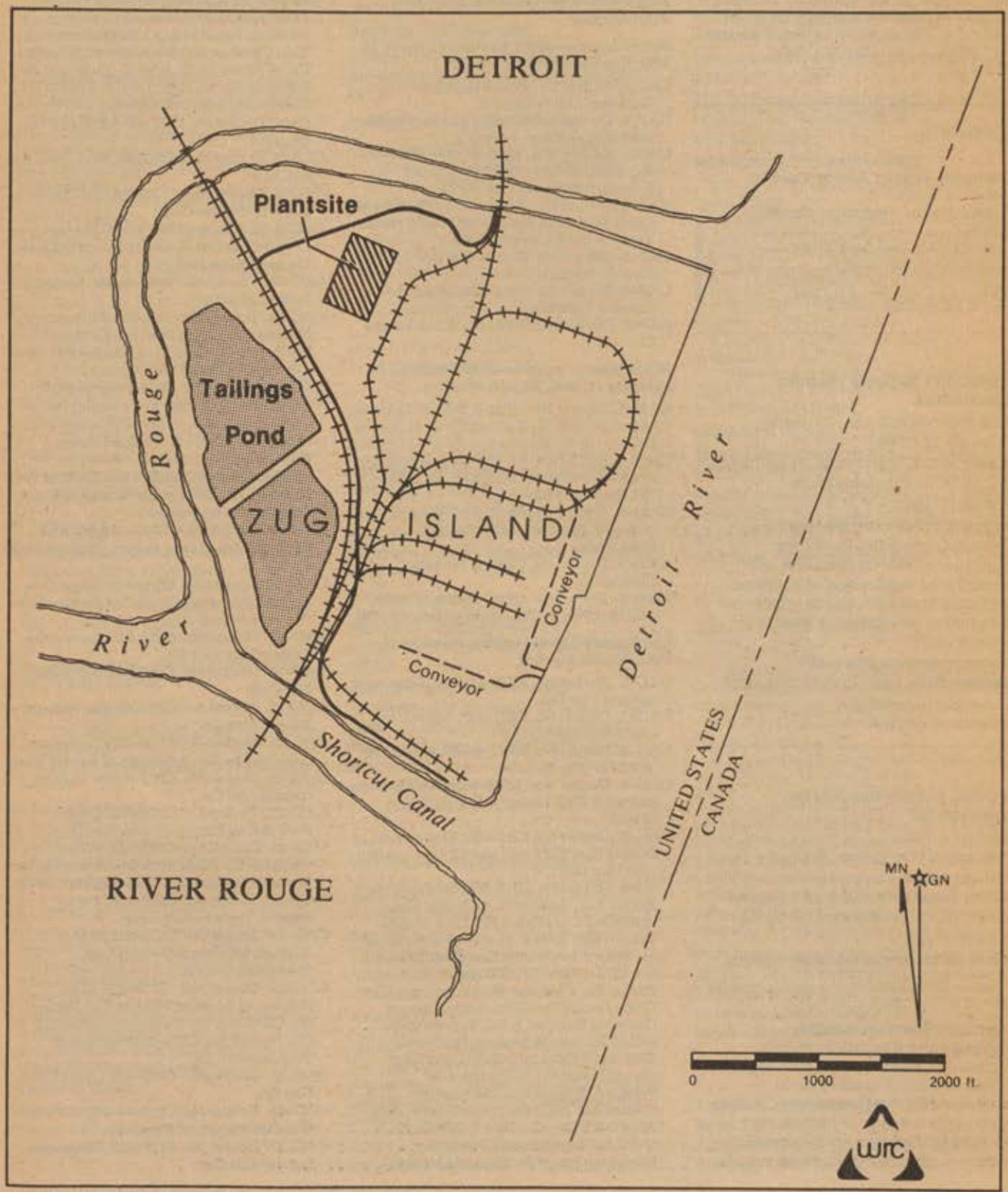
per day. A mill water system, which pumps water from the Detroit River, will supply the nonpotable water needed for emergency uses.

D. *Water Supply Availability.*—The River Rouge has an average flow of 113 cubic feet per second (73 million gallons per day). The Detroit River averages 192,000 cubic feet per second (124 billion gallons per day). Because the water available is five orders of magnitude higher than that which will be used at the Reclaform plant, no measurable effect on water availability is foreseen. Moreover, ample groundwater supplies for nonpotable uses could be easily developed, if needed.

E. *Findings.*—Adequate water resources are available. Water use proposed for this plant should have no measurable effect on the region's water quality and quantity.

BILLING CODE 6410-01-M

Figure 1
Reclaform Plantsite



[FR Doc. 81-4460 Filed 2-6-81; 8:45 am]
BILLING CODE 8410-01-C

Sunshine Act Meetings

Federal Register
Vol. 46, No. 26
Monday, February 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., Thursday, February 12, 1981.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: New Orleans Commodity Exchange Application: The Commission will consider the application of the New Orleans Commodity Exchange for designation as a contract market in milled rice.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-218-81 Filed 2-5-81; 3:50 pm]

BILLING CODE 6351-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

February 4, 1981.

TIME AND DATE: 10 a.m., February 11, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—479th Meeting, February 11, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3177, Sacramento Municipal Utility District
CAP-2. Docket No. EL79-32 and Project No. 1490, Brazos River Authority
CAP-3. Docket Nos. ER81-46-000, ER81-47-000, ER81-48-000 and ER81-105-000, Indiana & Michigan Electric Co.
CAP-4. Docket Nos. ER80-400 and ER80-458, Green Mountain Power Corp. and Central Vermont Public Service Corp.
CAP-5. Docket No. EL81-5-000, Edison Electric Institute
CAP-6. Docket No. ER78-414, Delmarva Power & Light Co.
CAP-7. Docket No. ER80-482, Idaho Power Co.

Miscellaneous Agenda—479th Meeting, February 11, 1981, Regular Meeting

CAM-1. Docket No. QF81-5, John E. Eckland
CAM-2. Docket No. QF81-6, Connors Steam Co.
CAM-3. (a) Docket No. RM76-15, regulation of small producers (b) Docket No. CS77-767, Emon A. Mahoney
CAM-4. Docket No. RM79-76 (Texas-7), high-cost gas produced from tight formations
CAM-5. Docket No. GP80-2, Spradling Drilling Co.
CAM-6. Docket No. GP81-10-000, revised ceiling prices for the month of January 1981

Gas Agenda—479th Meeting, February 11, 1981, Regular Meeting

CAG-1. Docket No. RP78-12, East Tennessee Natural Gas Co.
CAG-2. Docket No. CP77-337, Algonquin Gas Transmission Co.
CAG-3. Docket No. OR81-1-000, extension of ICC SP No. 76-2730
CAG-4. Docket Nos. RP74-86 and RP76-97 (remand), Gulf Energy & Development Corp.
CAG-5. Docket No. CI77-329, Texaco Inc.; Docket Nos. CP77-304 and CP64-97, Sabine Pipe Line Co.
CAG-6. Docket No. CI75-504, Helmerich & Payne, Inc.; Docket No. CI79-516, Mesa Petroleum Co.; Docket No. CI81-17-000, Texaco Inc.; Docket Nos. CI78-575-001, Et al., Amoco Production Co., et al.; Docket No. CI75-506, Mitchell Energy Corp.; Docket No. CI78-232, Exchange Oil & Gas Corp.; Docket No. CS81-8-000, Deposit Guaranty National Bank, Trustee under will of Dr. Sam H. Hooper; Docket No. CI79-244 (CI68-1241), Bethlehem Steel Corp.; Docket No. CS74-265, et al., Whitaker Enterprises, Inc. (Energy Enterprises, Inc.); Rate Schedule No. 510, Arco Oil & Gas Co.; Rate Schedule No. 4, Mobil Oil Exploration & Producing Southeast, Inc.; Rate Schedule No. 24, Mobil Oil Corp.; Rate Schedule No. 30, Texas Gas Exploration Corp.; Rate Schedule Nos. 111 and 112, Monsanto Co.; Rate Schedule No. 59, American Petrofina Co. of Texas; Docket No. G-16145 and Rate Schedule No. 42, Hunt Oil Co.; Docket No. G-9726 and Rate Schedule No. 235, Exxon Corp.; Docket No. CI81-24-000, Getty Oil Co., et al.
CAG-7. Docket Nos. CS71-92, et al., Amarex, Inc., et al.
CAG-8. Docket Nos. CI73-293 and CI79-653, Belco Petroleum Corp.
CAG-9. Docket No. CI80-427, Delta Gas Corp. (successor-in-title to Evans Oil & Gas Co. and Oliver Jenkins
CAG-10. Docket No. TC81-6-000, Southern Natural Gas Co.
CAG-11. Docket No. CP74-314, El Paso Natural Gas Co.; Docket No. CP76-327, Northwest Pipeline Corp.; Docket No. CI77-526, Sun Oil Co., et al.
CAG-12. Docket No. CP74-94 (phase I), United Gas Pipe Line Co., complainant, v. Billy J. McCombs, R. James Stillings, d.b.a. Gastill Co., David A. Onsgard, Basin Petroleum Corp., Louis H. Haring, Jr., National Exploration Co., E. I. Du Pont de Nemours Co., Bill Forney Sr. and Bill Forney, Inc., respondents
CAG-13. Docket Nos. CP80-283-002 and CP80-305-002, Texas Eastern Transmission Corp.
CAG-14. Docket No. CP80-536, Union Gas System, Inc., applicant, Cities Service Gas Co., respondent
CAG-15. Docket No. CP80-423, Panhandle Eastern Pipe Line Co.
CAG-16. Docket No. CP80-528, Southwest Gas Corp.
CAG-17. Docket No. CP81-23-000, El Paso Natural Gas Co.
CAG-18. Docket No. CP69-222, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-19. Docket No. CP81-8-000, El Paso Natural Gas Co.
CAG-20. Docket No. CP80-586, Cities Service Gas Co.
CAG-21. Docket No. CP80-543, United Gas Pipe Line Co., Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.
CAG-22. Docket No. CP80-504, Texas Eastern Transmission Corp.
CAG-23. Docket No. CP78-123, et al., Alaskan Northwest Natural Gas Transportation Co.
CAG-24. Docket Nos. CP78-123, et al., Northwest Alaskan Pipeline Co.; Docket No. CP78-124, Northern Border Pipeline Co.; Docket No. CP79-60, Pacific Gas Transmission Co.
CAG-25. Docket No. CP80-556, Great River Gas Co.
CAG-26. Docket No. CP81-65-000, Natural Gas Pipeline Co. of America
CAG-27. Docket No. CP80-517, Cities Service Gas Co.

Power Agenda—479th Meeting, February 11, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Docket No. E-9601, Lake Oswego Corp.
P-2. Docket No. EL80-19, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80-24, Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York

II. Electric Rate Matters

ER-1. The financial condition of the electric utilities industry
ER-2. Docket No. EL81-2-000, Electric Cooperatives of Kansas
ER-3. Docket No. ER81-175-000, Missouri Utilities Co.
ER-4. Docket No. ER81-61-000, Florida Power & Light Co.
ER-5. Docket No. ER81-180-000, Montaup Electric Co.
ER-6. Docket No. ER81-177-000, Southern California Edison Co.
ER-7. Docket No. ER76-320, Connecticut Light & Power Co.
ER-8. Docket Nos. E-9002 and ER76-122, Commonwealth Edison Co.
ER-9. Docket No. ER78-517, Connecticut Light & Power Co.
ER-10. Docket No. ER80-5, Minnesota Power & Light Co.
ER-11. Docket No. ER79-121, Utah Power & Light Co.

Miscellaneous Agenda—479th Meeting, February 11, 1981, Regular Meeting

M-1. Reserved
M-2. Reserved
M-3. Docket No. RM78-22, revision of FERC rules of practice and procedure (part 7), procedures to expedite trial-type hearing
M-4. Docket No. RM81- , interstate pipeline blanket certificates for routine transactions—procedural rule

Gas Agenda—479th Meeting, February 11, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP80-61, Consolidated Gas Supply Corp.
RP-2. Docket No. RP77-138, United Gas Pipe Line Co.

II. Producer Matters

CI-1. (a) Docket Nos. CI73-639 and CI76-586, Arco Oil & Gas Co. division of Atlantic Richfield Co.; (b) Docket No. CP81-123-000, Southern Natural Gas Co.

III. Pipeline Certificate Matters

CP-1. (a) Docket No. CP80-570, Frontier Gas Storage Co.; Docket Nos. CP80-572, and CP80-571, Montana-Dakota Utilities Co., (b) Docket No. ES80-79, Montana-Dakota Utilities Co.
CP-2. Docket No. CI81-22-000, Southern Union Gathering Co.
CP-3. Docket No. CP81-141-000, Natural Gas Pipeline Co. of America

Kenneth F. Plumb,

Secretary.

[S-208-81 Filed 2-5-81; 9:26 am]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, February 19, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Permission to Organize a New Federal Association—Evander C. Smith, et al., San Francisco, California
Amendment of Section 10 of Charter N—Pioneer Federal Savings & Loan Association, Hopewell, Virginia
Merger, Maintenance of Branch Office, Cancellation of Membership and Insurance and Transfer of Stock—Standard Federal Savings & Loan Association, Cincinnati, Ohio

[S-212-81 Filed 2-5-81; 2:23 pm]

BILLING CODE 6720-01-M

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 11, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:
Consideration of Proposed TRR on OTC Drugs.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-214-80 Filed 2-5-81; 3:13 pm]

BILLING CODE 6750-01-M

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 10, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Consideration of Evaluation and Enforcement Efforts Concerning the Pre-sale Warranty Rule in relation to the NMRI Petition.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-215-81 Filed 2-5-81; 3:13 pm]

BILLING CODE 6750-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, February 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Consideration of Technical Amendment to § 700.1 regarding Reserve Requirements on Central Liquidity Facility Dividends Passed through State Chartered Agents and/or Agent Group Representatives.
3. Final Rule; Premature Withdrawal Penalties on Share Certificates.
4. Report of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, February 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Possible Agency Participation in Civil Litigation. Closed pursuant to exemption (10).
2. Report of mergers approved under delegated authority. Closed pursuant to exemption (9)(A)(ii).
3. Report of merger applications acted on under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Administrative Action under Section 201 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Administrative Actions under Section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
7. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-209-81 Filed 2-5-81; 10:18 am]

BILLING CODE 7535-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Previously Held Emergency Meeting

TIME AND DATE: 4 p.m., Monday, January 19, 1981.

PLACE: 7th floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTER CONSIDERED:

1. Recommendations of the Performance Review Board.

Background

The Board unanimously voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (2) and (6). The General Counsel certified that the meeting could be closed under these exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357–1100.

[S-210-81 Filed 2-5-81; 10:16 am]

BILLING CODE 7535-01-M

8

NATIONAL CREDIT UNION ADMINISTRATION.

The National Credit Union Administration Board has determined that its business required that the previously announced closed meeting on Thursday, Janury 8, 1981 include the following additional item which was closed to public observation.

Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), (9)(B) and (10).

Earlier announcement of this change was not possible.

The previously announced items were:

1. Proposed conversion. Closed pursuant to exemptions (8) and (9)(a)(ii).

2. Report of actions taken under delegation of authority that led to Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(a)(ii).

3. Administrative actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

4. Requests from federally insured credit unions from special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Consideration of an alternate member to the Performance Review Board. Closed pursuant to exemptions (2) and (6).

The meeting was held at 10.30 a.m., in the 7th Floor Board Room, 1776 G St., N.W. Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S-211-81 Filed 2-5-81; 10:18 am]

BILLING CODE 7535-01-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, February 10 and Wednesday, February 11, 1981.

PLACE: Commissioners' conference room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Tuesday, February 10:

3 p.m.—Briefing By Executive Branch on Export Matter (closed—exemption 1)

Wednesday, February 11:

2 p.m.—Briefing by LOFT Review Group (approx. 2 hours, closed—exemption 9)

ADDITIONAL INFORMATION:

The Discussion of NRC Document Control System, announced for Tuesday, February 3, was not held.

On February 5, 1981, at 3:00 p.m., a Discussion of Response to Congressional Correspondence will be held. This meeting will be closed under Exemption 9.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: February 4, 1981.

Walter Magee,

Office of the Secretary.

[S-213-81 Filed 2-5-81; 2:28 pm]

BILLING CODE 7590-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

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.

The list of agency billing codes assigned by the Government Printing Office follows:

Department	*Billing Code*
National Mediation Board	7550-01
National Railroad Passenger Corporation	0000-00
National Science Foundation	7555-01
National Security Agency/Central Security Service	3810-70
National Transportation Safety Board	4910-58
Neighborhood Reinvestment Corporation	
New England River Basins Commission	8410-01
Nuclear Regulatory Commission	7590-01
Nuclear Safety Oversight Commission	6820-01
Occupational Safety and Health Review Commission	7600-01
Oceans and Atmosphere National Advisory Committee	3510-12
Ohio River Basin Commission	8410-01
Overseas Private Investment Corporation	3210-01
Panama Canal Commission	3640-01
Peace and Conflict Resolution, Commission on Proposals for National Academy	4000-01
Pennsylvania Avenue Development Corporation	7630-01
Pension Benefit Guaranty Corporation	7708-01
Pension Policy, President's Commission	6820-99
Personnel Management Office	6325-01
Postal Rate Commission	7715-01
Postal Service	7710-12
Radiation Policy Council	6560-01
Railroad Retirement Board	7905-01
Railway Association, U.S.	8240-01
Regulatory Council	3194-01
Science and Technology Policy Office	3170-01
Securities and Exchange Commission	8010-01
Select Commission on Immigration and Refugee Policy	6820-AR
Selective Service System	8015-01
Sinai Support Mission	4710-10
Small Business Administration	8025-01
Small Business Conference Commission	8025-01
Smithsonian Institution	8030-03
State Department:	
Office of the Secretary	4710-01, 4710-05, 4710-06, 4710-07, 4710-08, 4710-09, 4710-10, 4710-11, 4710-12, 4710-15, 4710-16, 4710-17, 4710-18, 4710-19, 4710-20
Susquehanna River Basin Commission	7040-01
Synthetic Fuels Corporation	6450-01
Technology Assessment Office	1630-01
Tennessee Valley Authority	8120-01
Thrift Institutions Study, Interagency Task Force	4810-27
Trade Representative, Office of U.S	3190-01
Transportation Department:	
Coast Guard	4910-14
Federal Aviation Administration	4910-09, 4910-13
Federal Highway Administration	4910-22
Federal Railroad Administration	4910-06
Materials Transportation Bureau	4910-60
National Highway Traffic Safety Administration	4910-59
Research and Special Programs Administration	4910-62
St. Lawrence Seaway Development Corporation	4910-61
Urban Mass Transportation Administration	4910-57
Treasury Department:	
Alcohol, Tobacco and Firearms Bureau	4810-31
Central Services Office	4810-27
Comptroller of the Currency	4810-33
Customs Service	4810-22
Engraving and Printing Bureau	4810-34
Federal Law Enforcement Training Center	4810-32
Fiscal Service	4810-35, 4810-40
Government Financial Operations Bureau	4810-35
Internal Revenue Service	4830-01
Mint Bureau	4810-37
Office of the Secretary	4810-25
Public Debt Bureau	4810-40
Revenue Sharing	4510-28
Savings Bonds Division	4810-41
Secret Service	4810-42
Uniformed Services University of the Health Sciences	3810-70
Upper Mississippi River Basin Commission	8410-02
U.S. Courts	2210-01
Veterans Administration	8320-01
Vice President	3196-01
Wage and Price Stability Council	3175-01
Water Resources Council	8410-01
White House Fellowships, Presidents' Commission	6325-01
White House Office	3195-01
Women, President's Advisory Committee	4510-23

The list of agency billing codes assigned by the Government Printing Office follows:

Department	Billing Code
Science Advisory Board	6560-34
Solid Waste Management	6560-30
Toxics	6560-31
Water Program	6560-29
Environmental Quality Council	3125-01
Equal Employment Opportunity Commission	6570-06
Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of	6820-AV
Executive, Legislative, and Judicial Salaries Commission	6820-BA
Export-Import Bank of the U.S.	6690-01
Farm Credit Administration	6705-01
Federal Communications Commission	6712-01
Federal Deposit Insurance Corporation	6714-01
Federal Election Commission	6715-01
Federal Emergency Management Agency	6718-01
Disaster Response and Recovery	6718-02
Federal Insurance Administration	6718-03
Fire Administration, U.S.	6718-04
Federal Financial Institutions Examination Council	6722-01
Federal Home Loan Bank Board	6720-01
Federal Home Loan Mortgage Corporation	6720-02
Federal Labor Relations Authority	6727-01
Federal Maritime Commission	6730-01
Federal Mediation and Conciliation Service	6732-01
Federal Mine Safety and Health Review Commission	6820-12
Federal Pay Advisory Committee	6820-43
Federal Prevailing Rate Advisory Committee	6325-01
Federal Register Office	1505-02
Federal Reserve System	6210-01
Federal Service Impasses Panel	6727-01
Federal Trade Commission	6750-01
Fine Arts Commission	6330-01
Foreign Claims Settlement Commission	6770-01
General Accounting Office	1610-01
General Services Administration:	
Administrator's Office	6820-34
Automated Data and Telecommunications Service	6820-25
Data Systems Office	6820-37
Federal Property Resources Service	6820-96
Federal Supply Service	6820-24
Federal Register Office	1505-02
National Archives and Records Service	6820-26
Personnel Office	6820-30
Public Building Service	6820-23
Transportation and Public Utility Service	6820-AM
Government Printing Office	1505-01
Great Lakes Basin Commission	8415-01
Harry S Truman Scholarship Foundation	6115-02
Hazardous Substances Export Policy, Interagency Working Group	3510-25
Health and Human Services Department:	
Alcohol, Drug Abuse, and Mental Health Administration	4110-88
Center for Disease Control	4110-86
National Institute for Occupational Safety and Health	4110-87
Food and Drug Administration	4110-03
Health Care Financing Administration	4110-35
Health Resources Administration	4110-83
Health Services Administration	4110-84
Human Development Services Office	4110-92
National Institutes of Health	4110-08
Office of the Secretary	4110-12
Public Health Service:	
Assistant Secretary for Health	4110-85
Social Security Administration	4110-07
Historic Preservation Advisory Council	4310-10
Holocaust, President's Commission	4310-70
Housing and Urban Development Department	4210-01
Immigration and Refugee Policy Select Commission	6820-AR
Information Security Oversight Office	6820-AF
Inter-American Foundation	7025-01
Interagency Coordinating Council	6450-01
Interagency Regulatory Liaison Group	6560-01
Interagency Testing Committee	6560-31
Intergovernmental Relations Advisory Commission	6115-01
Interior Department:	
Fish and Wildlife Service	4310-55
Geological Survey	4310-31
Heritage Conservation and Recreation Service	4310-03
Indian Affairs Bureau	4310-02
Land Management Bureau	4310-84
Lowell Historic Preservation Commission	4310-KD
Micronesian Status Negotiation Office	4310-56
Mines Bureau	4310-53
National Park Service	4310-70
Navajo and Hopi Indian Relocation Commission	4310-HB
Office of the Secretary	4310-10
Reclamation Bureau	4310-09
Solicitor's Office	4310-17
Surface Mining Reclamation and Enforcement Office	4310-05
Territorial Affairs Office	4310-93
Water and Power Resources Service	4310-09
Water Research and Technology Office	4310-49
Young Adult Conservation Corps	4310-HJ
International Boundary and Water Commission, U.S. and Mexico	4710-03
International Broadcasting Board	6155-01
International Communication Agency	8230-01
International Convention Advisory Commission	4310-68
International Development Cooperation Agency	4710-02
Agency for International Development	4710-02
International Joint Commission, U.S. and Canada	4710-14
International Labor Organization, President's Committee	4510-28
International Trade Commission	7020-02
Interstate Commerce Commission	7035-01
Japan-U.S. Economic Relations Group	6820-AT
Japan-U.S. Friendship Commission	6820-95
Joint Board for the Enrollment of Actuaries	4810-25
Justice Department	4410-01
Drug Enforcement Administration	4410-09
Federal Bureau of Investigation	4410-02
Immigration and Naturalization Service	4410-10
Law Enforcement Assistance Administration	4410-18
Justice Assistance, Research, and Statistics Office	4410-18
Justice Statistics Bureau	4410-18
National Institute of Justice	4410-18
National Institute of Corrections	4410-36
Prisons Bureau	4410-05
Labor Department:	
Employment and Training Administration	4510-30
Employment Standards Administration	4510-27
Wage and Hour Division	4510-27
Executive Secretariat	4510-64
Federal Contract Compliance Programs Office	4510-27
International Labor Affairs Bureau	4510-28
Labor Management Relations Office	4510-29
Labor Management Standards Enforcement Office	4510-23
Labor-Management Services Administration	4510-29
Labor Statistics Bureau	4510-24
Management Services Administration	4510-29
Mine Safety and Health Administration	4510-43
Occupational Safety and Health Administration	4510-26
Office of the Secretary	4510-23
Administrative Law Judges	4510-20
Audit and Investigations	4510-21
Information Office	4510-22
Pension and Welfare Benefit Programs	4510-29
Legal Services Corporation	6820-35
Libraries and Information Science, National Commission	7527-01
Library of Congress	1410-01
Copyright Office	1410-03
Management and Budget Office	3110-01
Federal Procurement Policy Office	3110-01
Management Improvement, Presidents' Council	6325-01
Marine Mammal Commission	6820-31
Merit Systems Protection Board	7400-01, 7400-02
Metric Board, U.S.	6820-94
Metric Policy Interagency Committee	6820-94
Mississippi River Commission	3710-GX
National Aeronautics and Space Administration	7510-01
National Agenda for the Eighties	3110-01
National Alcohol Fuels Commission	6820-AN
National Capital Planning Commission	7520-01
National Commission on Social Security	6820-AC
National Commission on Unemployment Compensation	4510-27
National Communications System	3610-05
National Consumer Cooperative Bank	4810-25
National Credit Union Administration	7535-01
National Endowment for the Arts	7537-01
National Endowment for the Humanities	7536-01
National Labor Relations Board	7545-01

BILLING PROCEDURES FOR AGENCIES

As part of the billing procedures announced in the FEDERAL REGISTER of August 24, 1977, and to insure that each agency is correctly billed for only its own documents, the Office of the Federal Register requests agencies to insert the proper billing code on all of their documents. The six-digit billing code should be typed or handwritten in ink at the top of the first page on all three copies of documents submitted to the Office of the Federal Register for publication, as follows:

BILLING CODE: 0000-00

The list of agency billing codes assigned by the Government Printing Office follows:

Department	*Billing Code*
ACTION	6050-01
Actuaries, Joint Board for Enrollment	4810-25
Administration Office, Executive Office of the President	3115-01
Administrative Committee of the Federal Register	1505-02
Administrative Conference of the United States	6110-01
Aging, Federal Council	4110-92
Agriculture Department:	
Agricultural Marketing Service	3410-02
Agricultural Research Service	3410-03
Agricultural Stabilization and Conservation Service	3410-05
Animal and Plant Health Inspection Service	3410-34
Budget, Planning, and Evaluation Office	3410-90
Commodity Credit Corporation	3410-05
Contract Appeals Board	3410-25
Economics, Statistics, and Cooperatives Service	3410-18
Energy Office	3410-73
Environmental Quality Office	3410-HP
Equal Opportunity Office	3410-95
Farmers Home Administration	3410-07
Federal Crop Insurance Corporation	3410-08
Federal Grain Inspection Service	3410-EN
Food and Nutrition Service	3410-30
Food Safety and Quality Service	3410-DM
Foreign Agricultural Service	3410-10
Forest Service	3410-11
General Sales Manager Office	3410-21
Inspector General's Office	3410-23
Management Staff	3410-FW
Office of the Secretary	3410-01
Operations Office	3410-98
Personnel Office	3410-96
Rural Electrification Administration	3410-15
Safety and Health Management Office	3410-FV
Science and Education Administration	3410-03
Soil Conservation Service	3410-16
Transportation Office	3410-GS
Air Quality National Commission	6820-98
Alaska Natural Gas Transportation System, Office of the Federal Inspector for	6820-AW
Arms Control and Disarmament Agency	6820-32
American Battle Monuments Commission	6120-01
Architectural Transportation Barriers Compliance Board	4110-12
Blind and Other Severely Handicapped, Committee for Purchase from	6820-33
Central Intelligence Agency	6310-02
Chrysler Corporation Loan Guarantee Board	4810-27
Civil Aeronautics Board	6320-01
Civil Rights Commission	6335-01
Commerce Department:	
Census Bureau	3510-07
Economic Analysis Bureau	3510-BG, 3510-06
Economic Development Administration	3510-24
Federal Statistical Policy and Standards Office	3510-17
Foreign Trade Zones Board	3510-25
Industrial Economics Bureau	3510-30
International Trade Administration	3510-25
Maritime Administration	3510-15
Minority Business Development Agency	3510-21
National Bureau of Standards	3510-13
National Oceanic and Atmospheric Administration	3510-12
Coastal Zone Management	3510-08
National Marine Fisheries Service	3510-22
National Technical Information Service	3510-04
National Telecommunications and Information Administration	3510-60
Office of the Secretary	3510-BP
3510-BR, 3510-BS, 3510-BT, 3510-BV, 3510-BW, 3510-BX, 3510-BY, 3510-17, 3510-19, 3510-36	
Patent and Trademark Office	3510-16
Science and Technology Office	3510-18
Textile Agreements Implementation Committee	3510-25
Travel Service, U.S	3510-11
Commodity Futures Trading Commission	6351-01
Community Services Administration	6315-01
Consumer Product Safety Commission	6355-01
Copyright Royalty Tribunal	1410-01
Defense Department:	
Air Force Department	3910-01
Army Department	3710-08, 3710-92
Engineers Corps:	
Alaska District	3710-NL
Albuquerque District	3710-KK
Baltimore District	3710-41
Buffalo District	3710-GP
Chicago District	3710-HN
Cincinnati District	3710-85
Dallas District	3710-ML
Detroit District	3710-GA
Fort Worth District	3710-FR, 3710-GE
Galveston District	3710-GK
Hawaii District	3710-NN
Huntington District	3710-GM
Jacksonville District	3710-AJ
Kansas City District	3710-KN
Little Rock District	3710-GL
Los Angeles District	3710-KF
Louisville District	3710-JB
Memphis District	3710-KS
Mobile District	3710-CR
Nashville District	3710-GF
New York District	3710-06
Norfolk District	3710-EN
North Central, Chicago District	3710-FT
Philadelphia District	3710-GR
Sacramento District	3710-GH
St. Louis District	3710-GS
St. Paul District	3710-CY
San Francisco District	3710-PS
Savannah District	3710-HP
Seattle District	3710-GB
Tulsa District	3710-39
Vicksburg District	3710-GX 3710-PU
Walla Walla District	3710-GC
Wilmington District	3710-GN
Navy Department	3810-70
JAG	3810-71
Defense Communications Agency	3610-05
Defense Intelligence Agency	3810-70
Defense Investigative Service	3810-70
Defense Logistics Agency	3620-01
Defense Mapping Agency	3810-70
Defense Nuclear Agency	3810-70
Defense Supply Agency	3810-70
Delaware River Basin Commission	6360-01
Depository Institutions: Deregulation Committee	6210-01
Economic Advisers Council	3120-01
Economic Opportunity, National Advisory Council	6820-42
Education Department	4000-01
Museums Services Institute	4000-02
National Institute of Education	4000-05
Employment Policy, National Commission	4510-30
Endangered Species Committee	4310-10
Energy Department	6450-01
Federal Energy Regulatory Commission	6450-85
Environmental Protection Agency	6560-01, 6560-26
Administrator's Staff	6560-36
Enforcement	6560-33
Environmental Review Office	6560-37
Noise Program	6560-27
Pesticides	6560-32
Radiation	6560-28
Regional Offices	6560-38
Research and Development	6560-35