U.S. GOVERNMENT INFORMATION GPO

2-11-81
Vol. 46 No. 28
Pages 11801-11942

federal register

Wednesday
February 11, 1981

Highlights

11801 **International Year of Disabled Persons** Presidential proclamation

11804 **Petroleum Price Regulations** DOE/ERA amends regulations to eliminate provisions pertaining to the filing of identification reports with respect to newly discovered crude oil properties; effective 2-11-81

11806 **Air Carriers** CAB finalizes with some changes its interim rule on compensating airlines for losses; effective 2-4-81

11809 **Air Fares** CAB updates its policy statement on passenger fare flexibility; effective 2-4-81

11856 **Grants** Commerce/NTIA announces that it is seeking applications for fiscal year 1981 under its Public Telecommunications Services (PTS) program; apply by 4-10-81

11827 **Smoking** CAB proposes to ban smoking on airplanes entirely or to eliminate all regulations of in-flight smoking; comments by 4-13-81

11803 **Grains** USDA/CCC publishes regulation regarding price support on grains and similarly handled commodities; effective 2-10-81

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Highlights

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

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

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

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11846 **Broadcasting Facilities** FCC modifies FM Broadcast Station rules to increase the availability of commercial FM broadcast assignments; reply comments 3–2–81

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Presidential Documents

Title 3—

The President

Proclamation 4818 of February 6, 1981

International Year of Disabled Persons

By the President of the United States of America

A Proclamation

We seek, in the 1980s, an era of national renewal, an era that will set loose again the energy and ingenuity of the American people.

Today there are 35 million disabled Americans who represent one of our most underutilized national resources. Their will, their spirit, and their hearts are not impaired, despite their limitations. All of us stand to gain when those who are disabled share in America's opportunities.

To increase the participation of disabled persons in our national life and in the lives of other nations the United Nations has designated 1981 the International Year of Disabled Persons. America has long been a world leader in this area, and the United States Council for the International Year of Disabled Persons and our Federal government have already responded to the United Nations challenge. Programs are underway throughout the Nation.

Through partnerships of disabled and nondisabled persons; of our private sector and our government; and of our national, state, and community organizations, we can expand the opportunities for disabled Americans to make a fuller contribution to our national life. I am proud to pledge the cooperation of my Administration and the Federal agencies under my jurisdiction, including the Federal Interagency Committee for the International Year of Disabled Persons.

NOW, THEREFORE, in keeping with the goals of the International Year, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1981 the International Year of Disabled Persons in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-4960
Filed 2-9-81; 2:13 pm]
Billing code 3195-01-M

Editorial Note: The President's remarks of Feb. 6, 1981, on signing Proclamation 4818, are printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 6).

Rules and Regulations

Federal Register
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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

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regulations Governing Price Support for the 1978 and Subsequent Crop Years, Amendment 2]

Grains and Similarly Handled Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to amend the regulations to provide that interest, at the rate Commodity Credit Corporation (CCC) pays when borrowing from the U.S. Treasury, will be charged on price support loans beginning on the date immediately following the maturity date of a loan or on the date immediately following the original required settlement date for called loans on commodities in the farmer-owned grain reserve.

DATES: Effective Date: This regulation shall become effective February 9, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013, 202/447-7973. A Final Impact Statement will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "significant." The emergency nature of this action warrants publication of this final action without completion of a Draft Impact Analysis. A Final Impact Statement will be developed.

The Secretary has determined that an emergency situation exists which warrants publication without opportunity for a public comment period of this final action because loans on corn and sorghum in the farmer-owned grain reserve have been called. There are loans on over 800 million bushels of corn presently held in the farmer-owned grain reserve for which settlement will be required by April 15, 1981. The provisions of this rule are needed to encourage timely settlement of price support loans.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553 and Executive Order 12044, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest. Comments will be received until March 13, 1981, and this emergency final action will be reviewed so that any amendments required can be published in the **Federal Register** as soon as possible.

Title Commodity Loans and Purchases, Number 10.051 from Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Due to the high rate of interest charged on commercial loans, many producers have found it advantageous to delay settlement of mature regular price support loans and called farmer-owned grain reserve loans. Such delays are detrimental to the purposes and proper functioning of these programs. They are costly to the Government both in terms of the interest cost on amounts CCC has advanced under the delinquent farm-stored loans and the administrative costs incurred in attempting to collect such loans.

At the present time, CCC has only two ways of dealing wiht delinquent loans: (1) by taking title to the collateral for the loan; or (2) by exercising the foreclosure provisions contained in the program regulations and loan documents. Past experience has shown that both of these remedies are difficult to carry out in an effective, efficient, and equitable manner. As a consequence, producers have been able to delay settlement for a period after the maturity or specified settlement date and pay little or no interest on the loan for this period when they subsequently redeem the loan collateral.

Requiring producers to pay interest during this period at the rate charged CCC by the U.S. Treasury during January of the year in which the loan matures or settlement is originally required will encourage producers to settle the matured price support loans or called farmer-owned grain reserve loans by the date specified for settlement. The January interest rate has been selected because CCC annually refinances its outstanding debt with the U.S. Treasury at the January interest rate.

Use of the interest rate which is charged CCC by the U.S. Treasury will reduce the cost to CCC and increase the cost to the producer. In January 1981, CCC was paying 15.25 percent for money borrowed from the U.S. Treasury. Price support loans which mature during 1981 or reserve loans which are called and are not settled by the original required settlement date, if such date is during 1981, will begin on the following date to bear interest at 15.25 percent per annum.

Requiring the payment of interest is not in conflict with the provision of Section 110 of the Agricultural Act of 1949, as amended by the Agricultural Act of 1980, which requires that interest be waived on price support loans on 1980 and 1981 crops held in grain reserves. When the loans have been called, the reserves terminated, and the date for settlement of the loans has passed, the grain is no longer held in reserve status.

It should be noticed that under some conditions the Secretary may allow producers additional time to settle price support loans after the maturity date or the originally specified date for settlement of called reserve loans. Under the provisions of this rule, the matured price support loans or the called reserve loans for which additional time for settlement is authorized will still begin to bear interest on the date immediately following the maturity date or originally specified settlement date at the rate of interest charged CCC by the U.S. Treasury.

Accordingly, the regulations at 7 CFR 1421.12 are revised to read as follows:

§ 1421.12 Interest Rate.

(a) Except as provided in subparagraph (b), price support loans shall bear interest at the rate announced in a separate notice in the **Federal Register.**

(b) Price support loans which have not been repaid by the maturity date or the original date on which settlement is required for loans on grain which has been called in the farmer-owned reserve shall bear interest beginning on the date immediately following the maturity date or the original required settlement date of called reserve loans, at the higher of: (1) The rate of interest charged CCC by the U.S. Treasury on amounts borrowed by CCC during January of the year in which the loan matures or settlement is originally required; or (2) the interest rate specified in the loan document.

(Sec. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 105A, 107A, 110, 201, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444c, 1445b, 1445e, 1446, 1447, 1421, 1425))

Signed in Washington, D.C. on February 6, 1981.

John R. Block,

Secretary.

[FR Doc. 81-4860 Filed 2-9-81; 3:22 pm]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

Disposal of Records of Pocket Dosimeter Readings

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: NRC regulations now provide that industrial radiography licensees must retain records of the daily readings of pocket dosimeters until the Commission authorizes disposal of the records. The NRC has decided that since readings of film badges and thermoluminescent dosimeters, which are retained indefinitely, constitute the long-term permanent records of the workers' dose, it is unnecessary for licensees to also retain pocket dosimeter readings indefinitely. This rule amends the regulation to provide that pocket dosimeter records need be retained for only two years.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen A. McGuire, Occupational Health Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443-5970.

SUPPLEMENTARY INFORMATION: At present, § 34.33(b) of the Commission's regulations requires that industrial radiographers read their pocket dosimeters and record the readings daily. Licensees are now required by § 34.33(e) to keep these records "for inspection by the Commission until it authorizes their disposal." This amendment to § 34.33(e) specifies a two-year retention time for pocket dosimeter records.

The retention requirement for the film badge or thermoluminescent dosimeter (TLD) readings, which generally form the long-term record of the worker's dose, as required by § 20.401(a), remains unchanged. These dose records must be kept until the Commission authorizes their disposal. In practice, NRC has not authorized licensees to dispose of official dose records. Licensees giving up their licenses or going out of business are required by § 20.408(b) to submit a final termination report of all worker exposures to radiation incurred during employment.

The Commission believes that two years is an appropriate length of time to keep daily pocket dosimeter readings. The purpose of pocket dosimeter readings is to find out as soon as possible if anything has gone wrong during a day's work. These readings are also useful for comparison with the film badge or TLD report in case any unusual doses are recorded, and they assist NRC inspectors in determining if the pocket dosimeter was used and read daily. A two-year retention time allows NRC to inspect these records fully since the interval between inspection of radiography licensees is generally less than two years. The two-year retention time also is consistent with other record retention times in Part 34 for records of similar importance; for example, records of internal inspections (§ 34.11(d)), exposure device maintenance (§ 34.28(b)), permanent installation alarms (§ 34.29(c)), and the last survey of an exposure device before ending direct surveillance of an operation (§ 34.43(c)).

Note that this amendment to Part 34 in no way changes the licensee's obligation to maintain records of radiation exposures as required in § 20.401. Generally, the film badge or TLD reports form the basis for a radiographer's long-term dose estimate. However, it sometimes happens that the film badge or TLD is lost or cannot be read and thus no dose measurement can be made from the film badge or TLD. In this case the licensee will estimate the radiographer's dose by whatever other means are available. Both daily pocket dosimeter readings and radiation survey results are obvious sources of the dose information. As required in § 20.401 (a) and (c), records of the radiographer's estimated dose must be maintained on Form NRC-5 or equivalent until the Commission authorizes their disposal.

The public was invited to submit written comments on the proposed rule by July 28, 1980. Six comments were received, and all supported the proposed amendment. Therefore, the Commission is adopting the final rule in the form identical to the proposed amendment.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 34 is published as a document subject to codification.

1. The authority citation for 10 CFR Part 34 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended; 42 U.S.C. 2111, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, §§ 34.11(d), 34.25(c), 34.26, 34.27, 34.28(b), 34.29(c), 34.31(c), 34.33(b), 34.33(e), and 34.43(c) issued under sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o), unless otherwise noted.

2. Paragraph (e) of § 34.33, Personnel monitoring, is revised to read as follows:

§ 34.33 Personnel monitoring.

* * * * *

(e) Reports received from the film badge or TLD processor shall be kept for inspection until the Commission authorizes their disposal. Records of daily pocket dosimeter readings shall be kept for two years.

Dated at Bethesda, Md. this 9th day of January, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-4625 Filed 2-10-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-78-26A]

Mandatory Petroleum Price Regulations; Elimination of Newly Discovered Crude Oil Property Verification Requirements

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) is amending the Mandatory Petroleum Price Regulations (10 CFR Part 212) to eliminate those provisions of § 212.79 pertaining to the filing of identification reports with respect to newly discovered crude oil properties.

The President's recent action to deregulate all crude oil prices (E.O. 12287), makes unnecessary the filing requirements of § 212.79(c)(1). Accordingly, we are amending § 212.79 to eliminate those provisions pertaining to the identification of newly discovered crude oil properties. This action is taken in conformance with the President's mandate in Section 2 of the Order calling for the elimination of all reporting and record-keeping requirements adopted pursuant to the Emergency Petroleum Allocation Act, except for those that are necessary for emergency planning and energy information gathering purposes required by law.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room B110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4055;
Jack Kendall or Ben McRae (Office of General Counsel), U.S. Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6739.

SUPPLEMENTARY INFORMATION:

I. *Amendment Adopted*
II. *Procedural Matters*

I. Amendment Adopted

On November 18, 1980, we issued a final rule amending the regulations pertaining to newly discovered crude oil (45 FR 78588, November 25, 1980). The provisions of the November 1980 final rule include a requirement (§ 212.79(c)(1)) that an identification report be filed with the DOE by or on behalf of each producer of crude oil from a newly discovered crude oil property on or before February 1, 1981.

The President's recent action to deregulate all crude oil prices (E.O. 12287), makes unnecessary the filing requirements of § 212.79(c)(1). Accordingly, we are amending section 212.79 to eliminate those provisions pertaining to the identification of newly discovered crude oil properties. This action is taken in conformance with the President's mandate in Section 2 of the Order calling for the elimination of all reporting and record-keeping requirements adopted pursuant to the Emergency Petroleum Allocation Act, except for those that are necessary for emergency planning and energy information gathering purposes required by law.

II. Procedural Matters

A. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended) the requirements of which remain in effect under section 501(a) of the Department of Energy Organization Act (DOE Act 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, as amended), the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Since today's amendment pertains only to procedural matters, it has not been submitted to the EPA Administrator for his review.

B. Section 501 of the DOE Act

Section 501(c) of the DOE Act provides that prior notice and a hearing are not required with respect to a rule if no substantial issue of fact or law exists and it can be determined that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Where no such substantial issue or impact is foreseen, the proposed rule may be promulgated in accordance with section 552 of Title 5, U.S.C. We have determined that today's amendment does not involve a substantial issue of fact or law since it is procedural in nature. It is our further determination that today's rule will not have a substantial impact as contemplated under section 501 of the DOE Act, since the effect of eliminating the newly discovered crude oil filing requirements will be to lessen reporting burden. In view of these considerations, today's amendment may be promulgated in accordance with section 553 of Title 5, U.S.C.

C. Section 553 of the Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) requires that general notice of a proposed rulemaking be published in the **Federal Register**, except in regard to interpretative or procedural rules, or when the agency for good cause finds that notice and public procedure thereon is impracticable, unnecessary, or contrary to the public interest. As noted previously, today's amendment eliminating an unnecessary reporting requirement is procedural in nature and, thus, the advance notice and public comment procedures of section 553(b) are not applicable.

Subsection (d) of section 553 provides that the required publication of a rule be made at least 30 days before the effective date of the rule, unless it either relieves a restriction or is an interpretative rule, or the agency otherwise finds good cause to make a rule effective prior to 30 days following publication. Today's amendment relieves a restriction since it eliminates a filing requirement.

D. Executive Order 12044

Executive Order 12044, "Improving Government Regulations," (43 FR 12661, March 24, 1978) requires subject agencies to publish all proposed "significant" regulations and permit public comment for a minimum of 60 days prior to final rulemaking action. In accordance with the criteria listed in paragraph 6 of DOE Order 2030.1 (44 FR 1032, January 3, 1979), which implements Executive Order 12044, we have determined that the proposed regulation is not "significant". Rules not subject to the public notice requirements of the APA are cited in Order 2030 as examples of nonsignificant rules.

E. Presidential Memorandum of January 29, 1981

By memorandum dated January 29, 1981, the President directed all Departmental Secretaries and the Attorney General to postpone the issuance of final rules for sixty days, unless a decision is made by the agency after consultation with the Director of the Office of Management and Budget (OMB) that a shorter period of postponement is warranted. Following consultation with the designee of the OMB Director, we have determined that action to give immediate effect to today's rule would promote the Administration's policy, as reflected in Executive Order 12287, by removing a burdensome reporting requirement.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L.

95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, § 212.79 of Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., February 4, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

1. Section 212.79 is amended, by removing paragraph (c).

§ 212.79 Newly discovered crude oil ceiling price rule.

* * * * *

(c) [Removed]

[FR Doc. 81-4725 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 324

[Procedural Regulations Amdt. No. 2 to Part 324; Docket 36126; Regulation PR-229]

Procedures for Compensating Air Carriers for Losses

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB finalizes, with some changes, its interim rule on compensating airlines for their losses in complying with a Board order to continue providing service. This action is taken on the basis of public comment and experience under the small community air service program.

DATES: Adopted: February 4, 1981. Effective: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5368; or David Schaffer, Office of General Counsel, Rules and Legislation Division, 202-673-5442.

SUPPLEMENTARY INFORMATION: Under section 419 of the Federal Aviation Act, 49 U.S.C. 1389, communities that are eligible points are guaranteed essential air transportation by the Board. If an airline wishes to suspend, terminate, or reduce its service to one of these communities so that it would no longer be receiving essential air transportation, that carrier must first give notice (30 days for unsubsidized commuters and 90 days notice for other carriers). Before the end of the notice period, the Board must order that carrier to continue to provide at least essential air service unless another carrier has agreed to provide the required service. The order to continue to provide essential service is renewed for successive 30-day periods until a replacement carrier is found.

Airlines that lose money while providing the essential service ordered by the Board are entitled, under section 419(a)(7) of the Act, to receive compensation for their losses. By PR-209, 44 FR 42171, July 19, 1979, the Board adopted an interim rule governing the procedures to be used in establishing these compensation levels. By PDR-67, issued at the same time, the Board requested comments on this rule with a view to issuing a revised rule later if necessary. This rule should not be confused with the subsidy rule that was recently proposed, EDR-415, 45 FR 83254, December 18, 1980. That rule governs payments to carriers who are voluntarily providing essential service.

Under the current rule, at 14 CFR Part 324, a carrier ordered to continue essential air service may submit an application for losses after its first 30-day compulsory service period, but in no event later than 60 days after it is allowed to carry out its suspension, termination, or reduction. If the carrier submits its application before being permitted to end its service, the Board will establish an interim rate for that carrier. This rate is subject to adjustment when the carrier's compulsory service ends. After the carrier is relieved of its service obligation, an informal conference is held. Only representatives of the carrier and Board employees may attend. At the conference, a fair and reasonable level of compensation is negotiated. After the Board takes public action on the matter, a written summary of the conference discussion must be filed in the Docket Section and the Public Reference Room and sent to the carrier involved. This summary is usually contained in the Board order setting the carrier's compensation level. Neither the carrier nor the Board is bound by the conference agreement and the carrier may take other procedural steps as if no conference had been held.

The rule also provides for the payment of compensation before the end of the first 30-day compulsory service period. This would be done only if the carrier would be unable to provide the required service without receiving an immediate cash infusion. Carriers seeking these advance payments must provide estimates of their losses and justify their need for advance compensation.

Only one comment was received in response to the request for comments. The Michigan Aeronautics Commission opposed limiting payments to a 1-year period and disagreed with § 324.5, which closes the informal rate conference to the public. It also raised a procedural objection concerning the Board's finding that notice and comment prior to the adoption of the interim rule was unnecessary and contrary to the public interest.

The 1-year limit on compensation for a carrier's losses is a restriction imposed by section 419(a)(7)(B) of the Act, and the Board is bound to enforce it. It applies only to trunk carriers. It derives from the congressional policy that compensation for losses be made only as a stop-gap measure to assure continued service to a point. H.R. Rep. No. 95-1179, 95th Cong., 2d Sess. 86 (1978).

Michigan objected to the closed conference because it considered it a denial of the opportunity to comment on an important public matter. This is not the case. Past experience with section 406 subsidy cases has shown that open forums are not conducive to the kind of negotiating, necessary to reach agreement on subsidy levels, that ensures both that essential service is continued and tax monies are prudently spent. After the conference is held, however, a show-cause order will be issued proposing an amount of compensation to be paid a carrier. Anyone may respond to that order and make their views known concerning the carrier's compensation level.

As to the procedural objection, Michigan stated without further discussion that:

> We do not concur that notice and public procedure prior to adoption of a final rule in the case of air carrier compensation is unnecessary and contrary to the public interest.

We assume that Michigan was referring to the informal rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553. That section generally requires notice and opportunity for public comment before an agency adopts a rule. But there are several exceptions, including two governing this situation. Part 324 is a procedural rule. These are rules that affect the form of agency action but do not substantially affect the rights of those over whom the agency exercises authority. In PR-209, the action in question, the Board established a framework in which airlines could apply for and receive compensation for their losses in providing essential service. The rule did not set service or compensation levels or otherwise affect the rights of the carriers or communities involved.

Even if Part 324 were not considered a procedural rule, the procedure we followed in adopting it would have been fully justified on other grounds. The requirement that air carriers provide essential service to small communities and that the Board compensate them when they do so involuntarily and at a loss became effective immediately upon passage of the Airline Deregulation Act (Pub. L. 95–504), on October 24, 1978. Within a short period after that, several carriers gave notice of their intent to terminate service at eligible points and were required to continue service, thereby making them eligible for compensation. To delay adoption of Part 324 beyond its July 1979 adoption date would have hurt some carriers financially and endangered air service at the communities affected. There was therefore good cause to make the rule effective immediately and prior to public comment on it (section 553(b)(B)).

Although we are not adopting Michigan's suggestions, our experience under Part 324 indicates that some clarifications are needed. Under the current rule, there is a provision, § 324.3(a)(1), under which the Board may set a final rate for a carrier prior to its termination at the point. In practice it has been impractical to establish final rates before the carrier ends the service in question and its total loss can be calculated. Paragraph (1) of § 324.3(a) is therefore being eliminated. Paragraph (2) will become paragraph (1) and paragraph (3) will become paragraph (2). These two paragraphs allow carriers to receive compensation on an interim basis while they are providing the essential service under Board order. In a separate notice, OR–179, issued simultaneously, authority is delegated to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation to set these interim rates, subject to adjustment by the Board.

A new paragraph (3) is being added to § 324.3(a) to make clear that carriers receiving interim compensation while providing essential service must file another application for compensation and follow the procedures of § 324.3(b) after they are finally allowed to end that service. The period for filing this application has been lengthened from 60 to 90 days after the compulsory service period ends. This application is needed to make the final adjustment of the carrier's claim. Failure to file it in time may result in the Board closing the case. OR–179 delegates to the Chief, Air Carrier Subsidy Need Division authority to dismiss these applications if they lack required information.

Section 324.9 permits the Board to make payments to a carrier before completion of the first 30-day compulsory service period. Under this provision the carrier must estimate the amount it expects to lose during that period. It also must provide an explanation of why it must receive advance payments rather than waiting until the end of the 30-day period when its losses can be more precisely determined. Section 324.9 was included so that the Board could make a quick payment to a carrier that is ordered to continue essential service, but that is on the verge of financial collapse. Some carriers, however have petitioned for advance compensation without any real showing that service to the point involved would be in jeopardy without the immediate cash infusion from the Board. We are therefore amending § 324.9 to emphasize that carriers must justify their need for advance compensation by describing their financial condition and revenue generating possibilities. Mere assertions of the need for advance compensation are not sufficient.

Since this rule states specifically what is already generally required by Part 324 and is interpretative in nature, we find that it may take effect immediately.

Accordingly, the Board amends 14 CFR Part 324, *Procedures for Compensating Air Carriers for Losses*, as follows:

1. The authority for Part 324 is:

(Secs. 204, 407, and 419 of Pub. L. 85–726, as amended, 72 Stat. 743, 766, 92 Stat. 1732, 49 U.S.C. 1324, 1377, 1389)

2. In § 324.2, paragraph (b) is amended by changing the number 60 to 90 and a new paragraph (d) is added, so that it reads:

§ 324.2 Application for compensation for losses

* * * * *

(b) The application may be filed after the first 30-day compulsory service period but shall not be filed later than 90 days after the carrier is allowed to suspend, terminate, or reduce service. It shall include: * * *

* * * * *

(d) The Board may dismiss an application if it does not contain the information required by this section and may close the case if a complete application is not filed within 90 days after the prior application was dismissed.

3. In § 324.3, paragraph (a) is revised to read:

§ 324.3 Procedures after receipt of application.

(a) When the application is received *before* the air carrier has been permitted to institute its intended suspension, termination, or reduction in service, the procedure is as follows:

(1) The Board will issue an order setting an interim rate of compensation to be paid periodically to the carrier. This amount will be subject to the Board's final adjustment after the carrier is allowed to suspend, terminate, or reduce service as it requested.

(2) If the carrier seeks an increase in the amount of the periodic payments, it must submit another application. The Board may revise the amount of the periodic payments on its own initiative in order to avoid paying excessive interim compensation.

(3) Within 90 days after the carrier is allowed to institute its suspension, termination, or reduction in service, it shall submit another application under § 324.2 so that the Board can make a final adjustment of that carrier's claim.

* * * * *

4. In § 324.9, paragraph (c) is revised to read:

§ 324.9 Procedure for making advance payments.

* * * * *

(c) The carrier shall include with its petition, or will be required by the Board to submit, estimates of the information required under § 324.2(b) and a full explanation of why it needs compensation in advance. The explanation shall include evidence of the carrier's financial condition and cash-flow prospects which taken together establish the need for an immediate cash infusion in order for service to be continued.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–4713 Filed 2–10–81; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Part 385

[Organization Regulations Amdt. No. 109 to Part 385; Docket: 36128; Regulation OR–179]

Delegation and Review of Action Under Delegation: Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Associate Director for Subsidy Policy

and Programs of the Bureau of Domestic Aviation the authority to set interim rates of compensation for carriers ordered to provide essential air service to small communities. The CAB also delegates to the Chief of the Subsidy Need Division of the Bureau of Domestic Aviation the authority to dismiss applications for compensation for losses if they do not contain the information required by CAB rules.

DATES: Adopted: February 4, 1981. Effective: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Rules and Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Under section 419 of the Federal Aviation Act (49 U.S.C. 1389), the Board must ensure that essential air service is maintained at small communities that are eligible points. Sometimes this requires the Board to order a carrier to continue its service to a community after the carrier has given notice of its intent to terminate or reduce that service. When a carrier is ordered to continue providing service, section 419 requires the Board to compensate the carrier for any losses it incurs.

By PR-209, 44 FR 42171, July 19, 1979, the Board adopted a new 14 CFR Part 324 that established a procedure for compensating carriers for their losses in providing essential air service under Board order. This rule included a provision (§ 324.3(a)) that authorizes payments to a carrier on an interim basis while it is providing the required service. It also includes a provision (§ 324.9) authorizing payments before the carrier begins providing the service required by the Board order.

By this rule, we are delegating to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation, the authority to authorize these interim and advance payments. This will expedite the process of compensating carriers for their losses, which may be crucial for some airlines. The amount paid will be subject to adjustment by the Board after the carrier is allowed to discontinue its service at the community involved. If the Board adjustment is lower than the amount paid to the carrier, the carrier must under § 324.10 refund the overpayment.

Part 324, as amended by PR-, issued today, also contains a provision (§ 324.2(d)) authorizing dismissal of applications for compensation when they do not contain the necessary information. Authority to do this is delegated here to the Chief of the Air Carrier Subsidy Need Division, Bureau of Domestic Aviation. This delegation applies to applications for interim compensation and for final payments or adjustments. If its application for a final payment or adjustment is dismissed, the carrier must file another one within 90 days or its case may be closed.

Because it may be important for carriers to receive their compensation as soon as possible, the Board finds good cause to make this rule immediately effective.

Accordingly, the Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. the Authority for Part 385 is:

(Sec. 204(a), 1001, Pub. L. 85-726, as amended, 72 Stat. 743, 788, 49 U.S.C. 1324(a), 1481; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, U.S.C. 1324 (note), unless otherwise noted)

2. Section 385.14 is revised to read as follows:

§ 385.14 Delegation to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation.

The Board delegates to the Associate Director, Subsidy Policy and Programs, Bureau of Domestic Aviation, the authority to:

(a) Establish procedural dates in essential air service proceedings.

(b) Issue orders under § 324.3(a) and § 324.9 of this chapter setting interim rates of compensation for carriers required to provide essential air transportation to eligible points, subject to adjustment by the Board.

3. A new paragraph (e) is added to § 385.14b to read:

§ 385.14b Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, the authority to:

* * * * *

(e) Dismiss applications for compensation for losses if they do not contain the information required by § 324.2(b) of this chapter, and close the case if the required information is not submitted within 90 days after the application is dismissed.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4712 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 399

[Policy Statements Amdt. No 77 to Part 399 Regulation PS-100]

Statement of General Policy Domestic Passenger Fare Flexibility

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB updates its policy statement on passenger fare flexibility for service within the 48 contiguous States and the District of Columbia, to reflect a cost adjustment announced in a recent order.

DATES:
Adopted: February 4, 1981.
Effective: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: The Board's current policy on fare flexibility for passenger air transportation within the 48 contiguous States and the District of Columbia ("the Mainland") was established in PS-98, 45 FR 70431, October 24, 1980. The zone of fare flexibility is based on the standard industry fare level (SIFL), with the upper limit specified in § 399.32(d)(1) as 30 percent above the sum of the SIFL plus $15. The Board periodically adjusts the SIFL for cost increases, in accordance with § 399.31(c). Section 399.32(d)(1) also states that each time after September 25, 1980, that the Board adjusts the SIFL, it will adjust the $15 figure by the same percentage rounded to the nearest whole dollar.

In Order 80-12-96, 46 FR 3037, January 13, 1981, the Board found the most recent "cost increase" to be negative. It adjusted the SIFL downwards and correspondingly adjusted the $15 figure to $14. This amendment updates § 399.32(d)(1) by restating the upper limit of the fare flexibility zone in terms of the $14 figure and adjustments made after January 13, 1981.

This is an interpretative amendment and makes no substantive change, because the cost adjustments are already built into the rule. The Board therefore finds that notice and public procedure are unnecessary and the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is:

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002,

1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504)

2. In § 399.32(d)(1), "$15" is replaced by "$14" in both places that it appears and "September 25, 1980," is replaced by "January 13, 1981," so that paragraph (d)(1) reads:

§ 399.32 Zone of limited suspension for domestic passenger fares.

* * * * *

(d) *Upward flexibility.* Each carrier may set fares above the SIFl as follows. * * *

(1) For service on the Mainland: Up to 30 percent above the sum of the SIFL plus $14. Each time after January 13, 1981, that the Board adjusts the SIFL for cost increases in accordance with § 399.31(c), it will adjust the $14 figure by the same percentage rounded to the nearest whole dollar. The Board order announcing the adjustment will be published in the **Federal Register** and served on all certificated carriers, and copies will be available through the Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4711 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 399

[Policy Statements; Amdt. No. 78 to Part 399; Dockets 39239 and 39240; Regulation PS-101]

Statements of General Policy; Domestic Passenger Fare Flexibility; Temporary Increase

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB's domestic passenger fare flexibility zones are expressed in terms of the standard industry fare level, which it updates periodically for cost increases. In response to sudden increases in fuel costs, the CAB raises the upper limits of the flexibility zones for a brief period until the next update of the standard industry fare level.

DATES: Adopted: February 5, 1981.

EFFECTIVE: The policy change was effective February 4, 1981. The amendment of Part 399 is effective February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: The Board's zones of fare flexibility for domestic passenger air transportation are set out in 14 CFR 399.32 and 399.34. The zones are based on the standard industry fare level (SIFL), except for intra-Hawaii service, which is based on the standard Hawaiian fare level. For service within the 48 contiguous States and the District of Columbia ("the Mainland"), the upper limit of the zone is 30 percent above the sum of the SIFL plus $14 (§ 399.32(d)(1)). For service between the Mainland and Puerto Rico, the Virgin Islands, Hawaii, or Alaska, the upper limit is 30 percent above the SIFL (§ 399.32(d)(2)). Within and between Puerto Rico and the Virgin Islands, the upper limit is also 30 percent above the SIFL, and within Hawaii, it is 30 percent above the standard Hawaiian fare level (§ 399.34(a)).

The Board periodically adjusts the SIFL for cost increases, in accordance with § 399.31(c), and the standard Hawaiian fare level is adjusted by the same percentage. The Board's most recent adjustment order established the SIFL effective January 1, 1981, on the basis of an estimated fuel price of 87.07 cents per gallon for February 15, 1981 (Order 80-12-96, December 18, 1980).

With the action of OPEC in December 1980, and the decontrol of domestic crude oil prices on January 28, 1981, aviation fuel prices have increased sharply. Fuel costs have already risen to an estimated 97 cents per gallon for January 1981, and estimates indicate that fuel may reach an average of 103.5 cents per gallon for the first quarter of 1981—a 19 percent increase over that used to establish the SIFL for the first quarter.

On behalf of several air carriers, the Air Transport Association has petitioned in Docket 39240 for immediate relief from the impact of these sudden fuel increases. American Airlines has requested similar action in Docket 39239.

Because of the sudden and sharp increase in fuel prices, which cannot be adjusted for in the normal SIFL procedure, the Board is temporarily raising the fare flexibility ceilings discussed above, from 30 to 35 percent above the applicable base levels. This change will yield the same fare ceilings (in dollar terms) as would result from an immediate adjustment of the SIFL using approximately one dollar per gallon fuel prices. The next SIFL adjustment will be made effective March 1 instead of April 1, 1981, as had been planned. On March 1, therefore, the flexibility percentages will revert to their previous levels.

In view of the need to allow air carriers to recover from rapidly rising fuel costs before the Board has enough information to calculate the next SIFL adjustment precisely, the Board finds that notice and public procedure on this amendment are impracticable and contrary to the public interest, and that the amendment may become effective immediately.

Accordingly, the Civil Aeronautics Board amends Subpart C of 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is:

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504)

2. The Table of Contents is amended by adding a new § 399.32a, to read:

Subpart C.—Policies Relating to Rates and Tariffs

Sec.

* * * * *

399.32a Additional fare flexibility from February 4, to February 28, 1981.

* * * * *

3. A new § 399.32a is added, to read:

§ 399.32a Additional fare flexibility from February 4 to February 28, 1981.

From February 4 to February 28, 1981, the upward fare flexibility limits described in §§ 399.32(d) and 399.34 as "30 percent" shall be "35 percent."

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4858 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 379

Extension of Comment Period: Export Licensing Requirements for Computer Software

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim rule; extension of comment period.

SUMMARY: This notice extends until March 6, 1981 the time period during which comments can be submitted to the Department of Commerce for consideration in the development of final regulations governing the information requirements for exporting certain computer software. A description of the term "computer software" is included in the SUPPLEMENTARY INFORMATION section of this notice as a guide for exporters in determining the scope of the information requirements, and in commenting upon their impact.

DATE: Effective February 4, 1981, the comment period is extended until March 6, 1981.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION: On December 5, 1980, the Office of Export Administration, International Trade Administration, Department of Commerce established an interim rule governing the export licensing requirements for computer software and requested comments to assist in the development of final regulations (as published in the **Federal Register** of December 5, 1980, pages 80484–80485). The original comment period was due to end on February 3, 1981. This notice, which neither expands nor limits the provisions of the Export Administration Regulations, extends the time period during which comments on the licensing requirements will be considered. The new period for submission of comments will end on March 6, 1981. Comments will be considered according to the procedures outlined in the **Federal Register** notice of December 5, 1980 (45 FR 80484–80485). The December 5 notice was intended to revise the regulations governing digital computers by establishing requirements for the furnishing of specific technical information describing certain computer software proposed for export to Country Groups P, Q, W, and Y. It was not an announcement of new licensing requirements because the Export Administration Regulations had already controlled and continue to control the export of computer software under Part 379. Comments already received have included a request for a description of "computer software." In order to assist exporters in evaluating the scope and impact of these information requirements, a description the term "computer software" is included here, as follows:

"Computer software" including firmware, is a systematic collection of "programs" and the associated documentation. For the purposes of this description, "software" is divided into the following categories:

(1) "Operating Systems" to facilitate the control and operation of the equipment.

(2) "Programming Systems" and computer language for converting convenient expressions of a problem (source language) to equipment-executable form (object language).

(3) "Application Systems (programs)" for the solution of a specific problem or to provide a functional capability.

(4) "Diagnostic Systems" for the isolation and detection of either software, "microprogram" control (firmware) or hardware malfunctions.

(5) "Microprogramming" software for microprogram control (firmware) to implement specific functions of control elements of the equipment or to replace repetitively-executed portions of the software.

(6) "Program" defined as an orderly sequence of instructions (operations), statements and commands put into a form acceptable by a computer to fulfill a specific function or to carry out a process.

(7) "Microprogram" defined as a sequence of elementary hardware or firmware instructions that correspond to an operation that is maintained in special storage and whose execution is initiated by the introduction of an instruction into an instruction register.

(Secs. 5, 13, 15, and Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. sec. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: February 6, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-4754 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. IC-11609]

Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to grant, deny, and revoke a prior grant of, requests for confidential treatment of information filed by institutional investment managers. This change will enable the Commission and its staff to process requests for confidentiality more expeditiously, resulting in savings of time for the Commission and the public.

EFFECTIVE DATE: February 11, 1981.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter (202) 272–2112, Susan P. Hart (202) 272–2098, or Anthony A. Vertuno (202) 272–2107, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On June 5, 1978, the Securities and Exchange Commission ("Commission") announced the adoption of Securities Exchange Act rule 13f–1 [17 CFR 240.13f–1] and related Form 13F [17 CFR 249.325], pursuant to section 13(f) [15 U.S.C. 78m(f)] of the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*] ("Act"). Securities Exchange Act Release No. 14852 [43 FR 26700 (June 22, 1978)]. Under the rule, as amended by Securities Exchange Act Release No. 15461 (Jan. 5, 1979) [44 FR 3033 (Jan. 15, 1979)], an institutional investment manager exercising investment discretion, as defined in section 3(a)(35) of the Act [15 U.S.C. 78(c)(a)(35)], with respect to accounts having $100,000,000 or more in exchange-traded or NASDAQ-quoted equity securities on the last trading day of any of twelve months of a calendar year, must file five copies of Form 13F with the Commission and with the appropriate bank regulatory agency if the manager is a bank. The form must be filed within 45 days after the last day of such calendar year and within 45 days after the last day of the first three calendar quarters of the subsequent

year. The form requires the reporting of the name of the issuer, and the title of class, CUSIP number, number of shares or principal amount in the case of convertible debt, and aggregate fair market value of each such managed equity security. The form also requires information concerning the nature of investment discretion and voting authority possessed.

The rule implemented the institutional disclosure program mandated by Congress in section 13(f) of the Act. Section 13(f)(3) of the Act requires that in general the Commission make the information in reports on Form 13F promptly available to the public, but further provides that:

> [T]he Commission, as it determines to be necessary or appropriate in the public interest or for the protection of investors, may delay or prevent public disclosure of any such information in accordance with section 552 of title 5, United States Code [the Freedom of Information Act]. Notwithstanding [the requirement to make information public contained in] the preceding sentence, any such information identifying the securities held by the account of a natural person or an estate or trust (other than a business trust or investment company) shall not be disclosed to the public.

On June 28, 1979, the Commission amended General Instruction D of Form 13F to clarify that requests for confidential treatment under section 13(f)(3) are to be made in accordance with the procedure set forth in rule 24b–2 [17 CFR 340.24b–2] under the Act. Securities Exchange Act Release No. 15979 (June 28, 1979) [44 FR 39386 (July 6, 1979)]. At the same time, the Commission also amended General Instruction D to require managers requesting confidential treatment to submit certain factual information to enable the Commission to make an informed judgment on the merits of a request.

In order to grant, deny, or revoke prior grants of requests for confidentiality pursuant to the rule as expeditiously as possible, the Commission is amending rule 30–5 [17 CFR 200.30–5] of its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to grant and deny applications for confidential treatment filed pursuant to section 13(f)(3) and section 24(b) [15 U.S.C. 78x(b)] of the Act and rule 24b–2 thereunder, and to revoke a previous grant of confidential treatment for any such application. Under rule 24b–2(d)(2), in any case where an objection to disclosure has been disallowed or where a prior grant of confidential treatment has been revoked, the person who requested such treatment will be so informed by registered or certified mail to the person or his agent for service. Pursuant to the Commission's rule 26 of its rules relating to general organization, persons making objections to disclosure may petition the Commission for review of a determination by the Division disallowing objections or revoking confidential treatment.

Accordingly, Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by adding a new paragraph (c–1) to § 200.30–5 to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30–5 Delegation of authority to Director of Division of Investment Management.

* * * * *

(c–1) With respect to the Securities Exchange Act of 1934: (1) To grant and deny applications filed pursuant to section 24(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78x(b)] and rule 24b–2 thereunder (§ 240.24b–2 of this chapter) for confidential treatment of information filed pursuant to section 13(f) of that Act [15 U.S.C. 78m(f)] and rule 13f–1 thereunder [§ 240.13f–1 of this chapter]; and

(2) To revoke a grant of confidential treatment for any such application.

* * * * *

The Commission finds, in accordance with sections 553(b) and 553(d) of the Administrative Procedure Act [15 U.S.C. 553(b) and 553(d)], that the foregoing action relates solely to agency organization, procedure, or practice and, accordingly, notice and prior publication for comment are unnecessary. Furthermore, in accordance with section 23(a)(2) of the Act [15 U.S.C. 78w(a)(2)], to the extent it may be applicable to this action, the Commission perceives no burden on competition which would be imposed by this rule amendment.

(Pub. L. No. 87–592, 76 Stat. 394, 395, as amended, 15 U.S.C. 78d–1, 78d–2)

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

[FR Doc. 81–4836 Filed 2–10–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM81–11]

Procedural and Correctional Revisions to Regulations Governing Preliminary Permits and Licenses; Correction

Issued: February 5, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; Correction.

SUMMARY: On January 21, 1981, the Federal Energy Regulatory Commission issued a final rule entitled Procedural and Correctional Revisions to Regulations Governing Preliminary Permits and Licenses (46 FR 9027, January 28, 1981). The change specified in this notice is designed to clarify that, for proposed water power projects at existing Federal dams, the applicant must show the dam and impoundment on the project map, but may not include the dam and impoundment within the project boundary.

FOR FURTHER INFORMATION CONTACT: Philip W. Leber, Office of General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–5514.

SUPPLEMENTARY INFORMATION: Section 4.81(e)(3)(i), shown at 46 FR 9029 is corrected to read:

§ 4.81 Contents of Application.

(e) * * *

(3) * * *

(i) All principal project features identified under paragraph (b) of this section, including but not limited to any dam, reservoir, water conveyance facilities, powerplant, transmission lines, and other appurtenances; if the project is located at an existing Federal dam, the Federal dam and impoundment must be shown, but may not be included within the project boundary;

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–4883 Filed 2–10–81; 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 271

[Docket No. RM79–76 (Texas—6)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: February 5, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Texas Railroad Commission that the Midway (11,740') Sandstone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or John Bassett, (202) 357–8657/Ting Chin (202) 357–8769.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Midway (11,740') Sandstone Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued December 3, 1980 (45 FR 61063, December 8, 1980) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c), that the Midway (11,740') Sandstone Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Midway (11,740') Sandstone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments were invited and two were received. No party requested a public hearing in this matter and no hearing was held.

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective February 5, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (17) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.* * * *

(2) *The Mancos "B" Formation in Colorado.* * * *

(3) *The Frontier Formation in Wyoming.* * * *

(4) *The Mesaverde Formation in Wyoming.* * * *

(5) *The Austin-Mississippian Formation in New Mexico.* * * *

(6) *The Mancos "B" Formation in Colorado.* * * *

(7) *The Fort Union Formation in Colorado.* * * *

(8) *The Mesaverde Formation in Colorado.* * * *

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.* * * *

(10) *The Canyon Sandstone Formation in Texas.* * * *

(11) *The Wattenberg J Sand Formation in Colorado.* * * *

(12) *The Cisco Sandstone Formation in Texas.* * * *

(13) *The Vicksburg UV Formation in Texas.* * * *

(14) *The Vicksburg Y Formation in Texas.* * * *

(15) *The Arkadelphia Formation in Louisiana.* * * *

(16) *The Fort Union Formation in Wyoming.* * * *

(17) *The Midway (11,740') Sandstone Formation in Texas.* RM79–76 (Texas-6)

(i) *Delineation of formation.* The Midway (11,740') Sandstone Formation is located in the northwestern portion of Montgomery County and the southeastern portion of Grimes County, Texas.

(ii) *Depth.* The top of the Midway (11,740') Sandstone Formation is located at an approximate depth of 11,746 feet and the base is located at an approximate depth of 11,774 feet, giving it a thickness of 28 feet.

* * * * *

[FR Doc. 81–4867 Filed 2–10–81; 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 271

[Docket No. RM79–76 (Wyoming–2); Order No. 110]

High-Cost Gas Produced From Tight Formations; Correction

Issued: February 5, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the reference to the depth of the Mesaverde Formation as the reference was issued by the Commission in its final rule issued on November 14, 1980, and as it appeared in the **Federal Register** on November 20, 1980, at 45 FR 76673.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8307.

The following correction is made in FR Doc. 80–36190, appearing on page 76674 of the issue of November 20, 1980.

1. On page 76674, § 271.703(d)(4)(ii) is corrected to read as follows:

"(ii) *Depth.* The top of the Mesaverde Formation is marked the Lewis Shale above, and the bottom of the formation is marked by the Steele Shale, below. The average depth to the top of the formation is approximately 10,125 feet."

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–4866 Filed 2–10–81; 8:45 am]

BILLING CODE 6450–85–M

18 CFR Part 282

[Docket No. RM80–48; Order No. 114–A]

Natural Gas; Definition of Agricultural Use in Incremental Pricing; Order Denying Rehearing

Issued: January 29, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing.

SUMMARY: On December 5, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule expanding the list of agricultural uses of natural gas set forth in § 282.202(a) which are exempt from incremental

pricing surcharges (Order No. 114, 45 FR 82915, December 17, 1980). Timely petitions for rehearing of Order No. 114 were filed by two persons. For the reasons discussed below and in Order No. 114, the Commission denies rehearing of Order No. 114.

DATE: Issued January 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Roger B. Coven, Office of General Counsel, 825 North Capitol St., NE., Washington, D.C. 20426, (202) 357-8235

Barbara K. Christin, Office of General Counsel, 825 North Capitol St., NE., Washington, D.C. 20426, (202) 357-9370

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

Definition of Agricultural Use in § 282.202(a) of the Commission's Regulations on Incremental Pricing; Docket No. RM80-48; Order No. 114-A; Order Denying Rehearing.

On December 5, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule in this docket amending its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). The final rule (Order No. 114, 45 FR 82915, December 17, 1980) expanded the list of agricultural uses of natural gas set forth in § 282.202(a) which are exempt from incremental pricing surcharges.

Timely petitions for rehearing of the final rule were filed by Petrolite Corporation, Bareco Division (Petrolite) and jointly by the American Hardboard Association and Superwood Corporation (AHA/Superwood).

Among the uses of natural gas added by the final rule to the list of agricultural uses in § 282.202(a) was the use of natural gas in the production of food-grade waxes for use as entire food containers. The Commission did not add the use of gas to produce food-grade waxes for use in coating or lining food packages, because such gas use is a secondary input into the food quality maintenance chain.

In its petition for rehearing, Petrolite objected to the latter determination and requested that the Commission add to the list of agricultural uses in § 282.202(a) the use of natural gas to produce food-grade waxes for use in coating or lining food packages. Petrolite argued that the production of food-grade wax for use in coating or lining food packages is not a secondary input into the food quality maintenance chain, because food-grade waxes are manufactured expressly for food quality maintenance. It argued that the manufacture of food-grade wax for this purpose is thus distinguishable from the manufacture of other materials determined by the Commission to be secondary inputs, such as paper, steel, and other materials used to manufacture food packaging.

Petrolite misunderstands the distinction between primary and secondary inputs into the food quality maintenance chain. As discussed in the preamble to the final rule, the production of food packaging is a primary input, whereas the manufacture of the materials used in the production of food packaging (such as paper, steel, tin, and wax) is a secondary input. The latter is a secondary input into the food quality maintenance chain, because it is one step away from the production of the food package. It is irrelevant whether the material produced could be used for purposes other than the manufacture of food packaging. Accordingly, the Commission denies Petrolite's petition for rehearing.

The final rule also added to the list in § 282.202(a) the use of natural gas to produce hardboard. The addition to § 282.202(a) was effective on December 5, 1980, the date of issuance of the final rule. In their joint petition for rehearing, AHA/Superwood requested that the exemption for hardboard be made effective retroactively to the beginnng of the incremental pricing program rather than from the date of issuance of the final rule. AHA/Superwood argued that their use of natural gas has met the definition of agricultural use in section 206(b)(3) of the NGPA since the beginning of the incremental pricing program, and, therefore, the exemption has been applicable from that time. Furthermore, they argued that the administrative burden of retroactive application would not be serious.

A use of natural gas is not exempt from incremental pricing as an agricultural use until the Commission determines that the use is, in fact, agricultural and adds such use to the list in § 282.202(a). Furthermore, even if the exemptions for the eight uses added to § 282.202(a) by the final rule could be made retroactive without creating a serious administrative burden, it is possible that the list may be further expanded in the future, if appropriate uses are called to the Commission's attention. If each use added to the list was applied retroactively to the inception of the incremental pricing program, an unwarranted administrative burden would result. AHA/Superwood made no showing that it should be given preference over others determined to be agricultural users. Finally, the Commission has consistently applied changes and corrections to the incremental pricing program prospectively. To grant new agricultural use exemptions retroactively would be inconsistent with the manner in which the Commission has implemented incremental pricing. In fact, in the preamble to the final rule, the Commission rejected a similar request for retroactive application of another exemption.

Accordingly, for the reasons discussed above and in the preamble to the final rule, the Commission denies rehearing of the final rule.

The Commission Orders:

The petitions for rehearing of Order No. 114 are denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4881 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-2-FRL 1627-1]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

Correction

In FR Doc 81-2855, at page 8495, in the issue of Tuesday, January 27, 1981, on page 8497, in the table, under New York State SO_2, under the heading of "Designated Area" correct the entry now reading "The Borough of Manhattan (except between 59th and 125th Sts.)" by placing an "X" under the heading designated as "Cannot be classified" and remove the "X" that is found on the next line under the heading, "Does not meet secondary standards".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5995]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area indentified
Alabama	Jefferson	Brighton, city of	010117B	Jan. 2, 1981, suspension withdrawal	May 10, 1974 and Dec. 19, 1975.
Do	do	Hueytown, city of	010337A	do	Oct. 1–76.
Do	do	Lipscomb, city of	010126B	do	June 14–74 & Dec. 26–75.
Do	do	Roosevelt, city of	010130B	do	June 28–74 & Jan. 2–76.
Do	do	Tarrant, city of	010131B	do	June 28–74, May 21–76, Feb. 9–78.
Do	do	Warrior, city of	010263A	do	Dec. 27–74.
Connecticut	Tolland	Mansfield, town of	090128C	do	Jan. 9–74, Oct. 29–76, & June 21–77.
Delware	Kent	Frederica, town of	100009B	do	May 17, 1974 and Oct. 17, 1975.
Illinois	Lake	Lake Barrington, village of	170372C	do	Sept. 13–74, Jan. 14–77, & June 24–77.
Do	do	Western Springs, village of	170171C	do	Mar. 15–74, Dec. 20–74, & Sept. 24–76.
Iowa	Winnebago	Forest City, city of	190283B	do	May 17–74 & Mar. 19–76.
Do	Black Hawk	Laporte, city of	190309A	do	Dec. 6–74.
Maine	Cumberland	Westbrook, city of	230054B	do	Apr. 12–74 & Apr. 30–76.
Michigan	Genessee	Argentine, township of	260392A	do	Aug. 8–75.
Do	do	Flint, city of	260076C	do	Feb. 15–74, Oct. 18–74, & June 18–76.
Do	Eaton	Grand Ledge, city of	260068B	do	May 17–74 & July 2–76.
Do	Kent	Plainfield, township of	260109B	do	Nov. 9, 1973 and June 18, 1976.
Do	Genessee	Vienna, township of	260665B	do	Feb. 24–78.
Do	Eaton	Windsor, charter township of	260071C	do	Aug. 2–74, Apr. 25–75, & Jan. 2–76.
Minnesota	Cottonwood	Unincorporated areas	270622B	do	June 3–77
Do	Hennepin	New Hope, city of	270177B	do	Sept. 6–74 & July 11–75.
Mississippi	Rankin	Pelahatchie, town of	280146B	do	June 7, 1974 and Jan. 30, 1976.
Missoun	St. Louis	Ballwin, city of	290326B	do	June 7, 1974 and Sept. 19, 1975.
Do	do	Black Jack, city of	290336B	do	Aug. 16, 1974 and Sept. 19, 1975.
Nebraska	Dodge	Dodge, village of	310363A	do	Aug. 15, 1975.
New Jersey	Warren	Lopatcong, township of	340574A	do	Aug. 27, 1976.
Ohio	Ashtabula	Unincorporated areas	390010B	do	Mar. 3, 1978.
Do	Medina	Brunswick, city of	390380B	do	Nov. 2, 1973 and May 28, 1976.
Do	Lake	Unincorporated areas	390771C	do	Jan. 6, 1978 and Oct. 6, 1978.
Do	Lucas	Waterville, village of	390637A	do	Apr. 5, 1974.
Do	Greene	Xenia, city of	390197B	do	Dec. 23, 1977.
Oklahoma	Oklahoma	Jones City, town of	400141A	do	July 11, 1975.
Pennsylvania	Susquehanna	Great Bend, township of	421212A	do	Oct. 1, 1976.
Do	Montgomery	Lower Pottsgrove, township of	421906A	do	Nov. 8, 1974.
Do	Berks	Marion, township of	421079B	do	Sept. 13, 1974 and June 11, 1976.
Do	Lebanon	North Cornwall, township of	420576B	do	Dec. 7, 1973 and Dec. 31, 1976.
Do	Bradford	Sheshequin, township of	421102B	do	June 28, 1974 and June 25, 1976.
Rhode Island	Providence	Scituate, town of	440024B	do	Sept. 6, 1974 and Oct. 1, 1976.
South Caroina	Anderson	Unincorporated areas	450013B	do	Dec. 6, 1974 and Sept. 9, 1977.
Texas	Hidalgo	Unincorporated areas	480334B	do	May 23, 1978.
Vermont	Franklin	Enosburg Falls, village of	500050B	do	Apr. 15, 1975 and Aug. 6, 1976.
Wisconsin	Lacrosse	Bangor, village of	550218B	do	Jan. 16, 1974 and July 30, 1976.
Do	Dane	Black Earth, village of	550079B	do	Dec. 17, 1973 and Jan. 23, 1976.
Do	Ozsukee	Fredonia, village of	550313B	do	Jan. 9, 1974 and June 4, 1976.
Do	Winnebago	Neenah, city of	550509B	do	June 28, 1974 and June 11, 1976.
Do	Racine	Rochester, village of	550352B	do	Jan. 9, 1974 and Oct. 10, 1975.
Do	do	Waterford, village of	550354B	do	Dec. 17, 1973 and July 23, 1976.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area indentified
Alabama	Tuscaloosa	Northport, city of	010202C	June 13, 1973, emergency, Sept. 5, 1979, regular, Mar. 4, 1980, suspended, Dec. 19, 1980, reinstated.	Dec. 28, 1973 and July 9, 1976.
Kansas	Shawnee	Willard, city of	200337B	Aug. 25, 1975, emergency, Oct. 15, 1980, regular, Dec. 16, 1980, suspended, Jan. 5, 1981, reinstated.	June 18, 1976.
Indiana	Wayne	Fountain City, city of	180282C	Jan. 2, 1981, emergency	Apr. 15, 1977 and Mar. 23, 1979.
Mississippi	Lowndes	Unincorporated areas	280193B	Jan. 14, 1974, emergency, Nov. 15, 1979, regular, Nov. 15, 1979, suspended, Jan. 6, 1981, reinstated.	Nov. 4, 1977.
Pennsylvania	Bradford	Orwell, township of	421401	Jan. 7, 1981, emergency	Nov. 8, 1974.
Do	Lackawanna	Madison, township of	421755	do	Jan. 3, 1975.
Do	Westmoreland	Donegal, township of	422187A	do	June 21, 1974 and July 2, 1976.
Kentucky	Knott	Unincorporated areas	210340A	Jan. 8, 1981, emergency	Nov. 4, 1977.
Texas	Camp	Pittsburg, city of	480118A	do	Jan. 23, 1974 and May 28, 1976.
Do	Real	Camp Wood, city of	480979	do	July 2, 1976.
Do	Cass	Linden, town of	480735	do	July 30, 1976.
Pennsylvania	Clearfield	Jordan, township of	422383	Jan. 13, 1981, emergency	Jan. 17, 1975.
Do	do	Shippensburg, township of	421585A	do	Sept. 6, 1974 and June 25, 1976.
Do	Lancaster	Eden, township of	421585A	July 7, 1980, emergency, Dec. 16, 1980, regular, Dec. 16, 1980, suspended, Jan. 13, 1981, reinstated.	Aug. 30, 1974 and May 7, 1976.
North Dakota	Cass	Reed, township of	380257A	Dec. 27, 1977, emergency, Oct. 15, 1980, regular, Oct. 15, 1980, suspended, Jan. 15, 1981, reinstated.	
Alabama	Jefferson	Brownville, city of	010270A	Jan. 16, 1981, suspension withdrawn	Aug. 15, 1975.
Do	do	Midfield, city of	010127	do	Jan. 14, 1974 and Jan. 2, 1976.
Connecticut	Middlesex	Deep River, town of	090062B	do	Dec. 28, 1973 and Dec. 3, 1976.
Do	Fairfield	Stamford, city of	090051B	do	Aug. 2, 1974 and May 23, 1978.
Florida	Wakulla	Unincorporated areas	120315A	do	Feb. 14, 1975.
Illinois	Cook	Broadview, village of	170067B	do	Mar. 22, 1974 and June 4, 1976.
Do	Champaign	Champaign, city of	170026B	do	May 3, 1974 and Dec. 26, 1975.
Do	Cook and Du Page	Hinsdale, village of	170105B	do	Feb. 1, 1974 and Feb. 20, 1976.
Do	Cook	Palos Hills, city of	170143C	do	Mar. 22, 1974, Mar. 5, 1976, July 7, 1978, Apr. 12, 1974 and Oct. 31, 1975.
Do	Champaign	Urbana, city of	170035B	do	May 3, 1974 and Mar. 26, 1976.
Do	Du Page	Westmont, village of	170220B	do	May 17, 1974 and Aug. 15, 1975.
Do	Lake	Zion, city of	170399B	do	Mar. 29, 1974 and June 4, 1976.
Iowa	Sioux	Hawarden, city of	190252C	do	May 24, 1974, July 30, 1976, and July 26, 1977.
Do	Clay	Spencer, city of	190071A	do	July 16, 1976.
Do	Story	Story City, city of	190259B	do	May 31, 1974 and Apr. 9, 1976.
Kansas	Douglas	Eudora, city of	200089B	do	Jan. 9, 1974, July 16, 1976, Feb. 22, 1974, and Oct. 24, 1975.
Maryland	Dorchester	Cambridge, city of	240098B	do	Oct. 18, 1974 and Sept. 26, 1975.
Do	do	Hurlock, town of	240112B	do	Jan. 21, 1977.
Michigan	Genesee	Fenton, city of	260075A	do	Oct. 1, 1976.
Do	do	Fenton, township of	260394B	do	Apr. 1, 1977.
Do	Ottawa	Grand Haven, township of	260270B	do	Aug. 2, 1974 and July 2, 1976.
Do	Muskegon	White River, township of	260299A	do	Oct. 8, 1976.
Minnesota	Hennepin	Corcoran, city of	270155C	do	June 7, 1974, May 28, 1976, and May 20, 1977.
Missouri	Pemiscot	Caruthersville, city of	290275B	do	Mar. 29, 1974 and Feb. 20, 1976.
Do	Reynolds	Ellington, city of	290312B	do	Mar. 29, 1974 and Nov. 7, 1975.
Do	St. François	Farmington, city of	290323C	do	Mar. 1, 1974, Oct. 24, 1975, and Apr. 2, 1976.
Do	St. Louis	Kinloch, city of	290361B	do	Jan. 9, 1974 and June 18, 1976.
Do	do	Oakland, city of	290373B	do	Nov. 1, 1974 and June 11, 1976.
Do	do	Shrewsbury, city of	290386B	do	Mar. 29, 1974 and July 9, 1976.
Nebraska	Douglas	Unincorporated areas	310073B	do	July 26, 1974 and Aug. 2, 1977.
Do	Sarpy	Papillion, city of	315275D	do	Aug. 18, 1972, July 1, 1974, Apr. 11, 1975, and Oct. 10, 1975.
New Jersey	Warren	Phillipsburg, town of	340493B	do	Apr. 13, 1973 and Nov. 26, 1976.
Do	Passaic	Wanaque, borough of	340409B	do	May 15, 1974.
Do	Monmouth	West Long Branch, borough of	340334B	do	Aug. 24, 1973 and Aug. 20, 1976.
Do	Passaic	West Milford, township of	340411B	do	July 9, 1974 and May 28, 1976.
Nevada	Clark	North Las Vegas, city of	320007B	do	Feb. 15, 1974 and Feb. 4, 1977.
Ohio	Summit	Barberton, city of	390524C	do	May 24, 1974, July 30, 1976, and June 22, 1979.
Do	Cuyahoga	Brecksville, city of	390098B	do	Feb. 8, 1974 and July 16, 1976.
Do	Erie	Unincorporated areas	390153B	do	Jan. 31, 1975 and Nov. 5, 1976.
Do	Lake	Willoughby, city of	390322A	do	Nov. 30, 1973 and June 11, 1976.
Pennsylvania	Lancaster	Bart, township of	421761B	do	Sept. 6, 1974 and May 14, 1976.
Do	do	Colerain, township of	421765B	do	Sept. 20, 1974 and May 28, 1976.
Do	Allegheny	Oakmont, borough of	420060B	do	Mar. 8, 1974 and May 28, 1976.
Do	Lancaster	Quarryville, borough of	420563B	do	Jan. 9, 1974 and Jan 9, 1976.
Do	Allegheny	Verona, borough of	422611B	do	May 31, 1976, June 4, 1976, Mar. 8, 1974, and Oct. 1, 1976.
Vermont	Chittenden	Essex, town of	500034B	do	Sept. 20, 1974 and Dec. 3, 1976.
Do	Windsor	Royalton, town of	500153B	do	June 19, 1974 and Aug. 27, 1976.
West Virginia	Mingo	Williamson, city of	540138B	do	May 31, 1974 and Sept. 24, 1976.
Wisconsin	Lacrosse	Lacrosse, city of	555562	do	Jan. 15, 1971, July 1, 1974, May 14, 1976.
Pennsylvania	Clearfield	Penn, township of	421530	Jan. 16, 1981, emergency	Nov. 29, 1974.
Do	Monroe	Jackson, township of	421589A	Jan. 22, 1981, emergency	Jan. 22, 1981.
North Carolina	Buncombe	Unincorporated areas	370031B	Jan. 28, 1974, emergency, Aug. 1, 1980, regular, Aug. 1, 1980, suspended, Jan. 22, 1981, reinstated.	June 10, 1977.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area indentified
South Carolina	Orangeburg	do	450160B	Nov. 26, 1976, emergency, Dec. 16, 1980, regular, Dec. 16, 1980, suspended, Jan. 22, 1981, reinstated.	May 5, 1978.
New York	St. Lawrence	Pitcairn, town of	361184A	Jan. 23, 1981, emergency	Mar. 31, 1978.
Nebraska	Jefferson	Fairbury, city of	310120B	Aug. 28, 1974, emergency, Sept. 3, 1980, regular, Sept. 3, 1980, suspended, Jan. 27, 1981, reinstated.	Aug. 2, 1974 and Jan. 9, 1976.
Pennsylvania	Lancaster	Sadsbury, township of	421782B	July 30, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended, Jan. 27, 1981, reinstated.	Sept. 20, 1974 and June 4, 1976.
Do	Luzerne	Wright, township of	420632B	May 10, 1973, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended, Jan. 27, 1981, reinstated.	Mar. 8, 1974 and Oct. 1, 1976.
Do	Chester	Schuylkill, township of	421489B	Jan. 30, 1975, emergency, Nov. 5, 1980, regular, Nov. 5, 1980, suspended, Jan. 29, 1981, reinstated.	Oct. 25, 1974 and Oct. 3, 1975.
Do	Luzerne	Kingston, township of	420613B	Dec. 22, 1972, emergency, Jan. 2, 1981, regular, Jan. 2, 1981, suspended, Jan. 29, 1981, reinstated.	July 19, 1974 and May 28, 1976.
Michigan	Alger	Burt, township of	260719—New	Jan. 30, 1981, emergency	
New York	St. Lawrence	Gouverneur, town of	361178	Jan. 30, 1981, emergency	Jan. 24, 1975.
Minnesota	Jackson	Unincorporated areas	270632B	Apr. 26, 1974, emergency, Jan. 2, 1981, regular, Jan. 2, 1981, suspended, Jan. 22, 1981, reinstated.	Mar. 21, 1975 and Nov. 26, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 30, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-4620 Filed 2-10-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5992]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202 (a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama	Jefferson	Brookside, town of	010116C	May 29, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Aug. 23, 1974 Dec. 26, 1975 July 21, 1978	Feb. 18, 1981.
Illinois	Madison	Collinsville, city of	170439B	July 5, 1973, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	May 24, 1974 Apr. 2, 1976	Do.
Do	Jersey	Elsah, village of	170313B	June 4, 1976, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Nov. 23, 1973 Mar. 1, 1974	Do.
Do	Pike	Florence, village of	170552B	May 27, 1976, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 30, 1976	Do.
Do	Lake	Lake Forest, city of	170374C	Apr. 23, 1974, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Aug. 27, 1976	Do.
Do	Du Page	Oak Brook, village of	170214B	Jan. 13, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Sept. 5, 1975	Do.
Do	do	Oak Brook Terrace, city of	170215B	Apr. 15, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 29, 1974 Mar. 26, 1976	Do.
Iowa	Jefferson	Fairfield, city of	190168C	July 15, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	June 28, 1974 Dec. 26, 1975 Mar. 28, 1978	Do.
Do	Lee	Montrose, city of	190186B	Aug. 8, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 23, 1974 Apr. 30, 1976	Do.
Kansas	Pottawatomie	Wamego, city of	200276B	May 13, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Dec. 7, 1973 Dec. 26, 1975	Do.
Michigan	Barry	Hastings, city of	260314B	Jan. 22, 1976, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Apr. 12, 1974 Oct. 3, 1975	Do.
Do	Muskegon	Muskegon Heights, city of	260162B	May 9, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	June 28, 1974 July 23, 1976	Do.
Do	Wayne	Plymouth, city of	260236B	Aug. 6, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	May 17, 1974 June 11, 1976	Do.
Do	Macomb	Utica, city of	260606A	Jan. 12, 1977, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Oct. 17, 1975	Do.
Minnesota	Wabasha and Goodhue	Lake City, city of	270486C	Mar. 12, 1974, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 15, 1974 Apr. 9, 1976 Mar. 9, 1979	Do.
Do	Marshall	Minneapolis, city of	270172B	Mar. 23, 1973, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 22, 1974 Apr. 30, 1976	Do.
Do	do	Warren, city of	270274B	May 15, 1974, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	May 3, 1974 Feb. 14, 1975	Do.
Missouri	St. Louis	Bel-Ridge, village of	290333B	June 11, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 29, 1974 Sept. 17, 1976	Do.
Do	do	Frontenac, city of	290353B	Mar. 31, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 23, 1974 Jan. 2, 1976	Do.
Do	Franklin	New Haven, city of	290133A	Jan. 16, 1976, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 5, 1976	Do.
New Hampshire	Hillsborough	Manchester, city of	330169B	Mar. 26, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 14, 1977	Do.
New York	Monroe	Penfield, town of	360426B	Mar. 23, 1973, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Aug. 9, 1974 Sept. 3, 1976	Do.
Ohio	Summit	Akron, city of	390523B	Feb. 18, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Mar. 15, 1974 Sept. 10, 1976	Do.
Do	Knox	Fredericktown, village of	390309B	Oct. 28, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Apr. 5, 1974 Oct. 24, 1975	Do.
Do	Cuyahoga	Glenwillow, village of	390735A	Mar. 14, 1978, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Aug. 8, 1975	Do.
Do	Washington	Marietta, city of	390572C	June 4, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Dec. 7, 1973 July 11, 1975 Oct. 26, 1979	Do.
Do	Cuyahoga	Valley View, village of	390134B	Sept. 26, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 23, 1974 July 2, 1976	Do.
Do	Washington	Unincorporated areas	390566B	Dec. 24, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Jan. 31, 1975 June 9, 1978	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Oklahoma	Delaware	Grove, town of	400385B	Aug. 16, 1977, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Oct. 29, 1976 Aug. 16, 1977	Do.
Do	Murray	Sulphur, city of	400119B	May 12, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Nov. 28, 1973 Feb. 6, 1976	Do.
Pennsylvania	Perry	Penn, township of	420755B	July 5, 1973, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Feb. 8, 1974 Dec. 10, 1976	Do.
Do	Columbia	Mount Pleasant, township of	421042B	Feb. 1, 1974, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Aug. 2, 1974 July 9, 1976	Do.
Texas	Cherokee	Jacksonville, city of	480123B	Sept. 3, 1974, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	May 24, 1974 Apr. 16, 1976	Do.
Do	Anderson	Palestine, city of	480004B	Aug. 19, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	May 31, 1974 Nov. 19, 1976	Do.
West Virginia	Ohio	Wheeling, city of	540152B	Apr. 24, 1975, emergency, Feb. 18, 1981, regular, Feb. 18, 1981, suspended.	Dec. 13, 1974 Oct. 31, 1975	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 29, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-4621 Filed 2-10-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5993]

List of Communities with Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE February 3, 1981

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (& Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code (s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
ND	380098	Richland County (Uninc. Areas)	0001A THRU 0006A 0008A THRU 0015A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Ms. Kay Braaten County Commissioner Chairman Richland County Courthouse Wahpeton, ND 58075 (701) 439-2756
EFFECTIVE DATE February 6, 1981															
IN	180472	Crawford Co. (Uninc. Area)	Index 0001A 0002A 0003A 0004A 0005A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Crawford County Auditor's Office Crawford County English, IN 47118 Phone: 812-338-2601
IN	180474	Scott County (Uninc. Area)	Index 0001A 0002A 0003A 0004A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Scott County Auditor's Office Scott County Courthouse Scottsburg, IN 47170 Phone: 812-752-4745
PA	422612	Twp. of Benezette (Elk Co.)	Index 0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	1	3	1	2/ 7/75	N/A	9 10 16	N/A	N/A	Raymond Laughlin, Chairman Twp. Board of Supervisors Box 58 Benezette, PA 15821 Phone: 814-787-5401
PA	422146	Twp. of Donegal (Washington Co.)	Index 0001A 0003A 0004A	I	FL	B	1	3	1	12/ 6/74	N/A	9 10 16	N/A	N/A	Wilbert Seaman, Chairman Twp. Board of Supervisors Municipal Building R.D. 2 Claysville, PA 15323 Phone: 412-663-5800

EFFECTIVE DATE February 10, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
OR	415591	Lane County (Unincorporated Areas)	0002B THRU 0005B 0007B THRU 0033B	I	FL	B	1	3	1	8-16-77	N/A	9 16	N/A	N/A	Commissioner Gerald H. Rust Lane County Courthouse 125 East Eighth Eugene, OR 97401 (503) 687-4203
EFFECTIVE DATE February 13, 1981															
IL	170194	Douglas Co. (Uninc. Area)	Index 0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	County Clerk's Office Douglas County Courthouse Tuscola, IL 61953 Phone: 217-253-2411
MI	260449	Twp. of Ely (Marquette Co.)	Index 0001B 0002B 0003B	I	FL	B	4	3	1	5/20/77	N/A	9 10	N/A	N/A	Kenneth A. Tuominen, Supervisor Township Building Box 231 Ishpeming, MI 49849 Phone: 906-486-9802
PA	422185	Twp. of Bell (Westmoreland Co.)	Index 0001B 0002B 0003B	I	FL	B	4	3	1	9/13/74 9/24/76	N/A	9 10	N/A	N/A	Phillip Calandrella, Chairman Twp. Board of Supervisors Box D Salina, PA 15608 Twp. Phone: 412-597-4121 Home Phone: 412-597-4771
PA	422122	Twp. of Glade (Warren Co.)	Index 0001A 0002A 0003A	I	FL	B	1	3	1	4/4/75	N/A	9 10 16	N/A	N/A	M. C. Miller, Chairman Twp. Board of Supervisors Municipal Building 99 Cobham Park Road Warren, PA 16365 Twp. Phone: 814-723-2159 Home Phone: 814-723-8539

EFFECTIVE DATE 2-13-81

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (NO AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
NY	361601	T. of Freemont (Steuben Co.)	0005 A 0010 A 0015 A 0020 A	I	FL	B	1	2	N/A	N/A	N/A	N/A	N/A	N/A	James Barnett, Town Supervisor Town Hall RD 2 Hornell, New York 14843 (607) 776-3345
NY	361138	T. of Bethany (Genesee Co.)	0005 B 0010 B 0015 B 0020 B	I	FL	B	1	3	N/A	9/20/74 6/25/76	N/A	9 10	N/A	N/A	James Wittman, Town Supervisor Town Hall 9495 Francis Road Batava, New York 14020 (716) 343-2362
ME	230280	T. Deer Isle (Hancock Co.)	0005 A 0010 A 0015 A 0020 A 0025 A 0030 A 0035 A 0040 A 0045 A 0050 A	C	FL	B	1	3	N/A	1/31/75	N/A	9	N/A	N/A	Mr. Nerville Hardy First Selectman Town of Deer Isle Municipal Building Deer Isle, Maine
EFFECTIVE DATE February 17, 1981															
WA	530200	City of Everson (Whatcom County)	0001B	I	FL	B	1	3	1	5-24-74 1-9-76	N/A	8 9 10 16	N/A	N/A	The Honorable Clint McBeath Mayor, City of Everson 111 West Main Street Everson, WA 98247 (206) 966-3411
EFFECTIVE DATE February 20, 1981															
VA	510311	Highland Co. (Uninc. Area)	Index 0001A THRU 0006A	I	FL	B	1	3	1	3/21/75	N/A	9 10 16	N/A	N/A	Zoning Office Highland County Courthouse Monterey, VA 24465 Phone: 703-468-2323

EFFECTIVE DATE February 24, 1981

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (Zero and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Program Status	9 Status of FIRM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
ND	350069	Ransom County (Uninc. Areas)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Willis Froemke County Auditor P. O. Box 668 Lisbon, ND 58054 (701) 683-5541
EFFECTIVE DATE: February 27, 1981															
PA	421751	Twp. of Clifton (Lackawanna Co.)	Index 0001A 0002A	I	FL	B	1	3	1	1/24/75	N/A	9 10 16	N/A	N/A	Theodore Stout, Chairman Twp. Board of Supervisors Star Route Goldsboro, PA 18424 Phone: 717-842-8738
PA	422060	Twp. of Davidson (Sullivan Co.)	Index 0001A 0002A 0004A 0005A 0006A	I	FL	B	1	3	1	12/ 6/74	N/A	9 10 16	N/A	N/A	Emerson Horn, Chairman Twp. Board of Supervisors R.D. #1 Muncy Valley, PA 17758 Phone: 717-946-7584

BILLING CODE 6718-03-C

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:
1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name
County(ies) name
4. Four digit number and suffix of each FIRM of FHBM panel printed.
5. INL/COAST
I=INLAND
C=COASTAL
6. HAZARD
FL=FLOOD
MS=MUDSLIDE
ER=EROSION
NF=NON FLOOD PRONE
MF=MINIMALLY FLOOD PRONE
7. 60.3 CODE
A=Special Hazard not defined, no elevation data (No FHBM)
B=Special Hazard Designated, no elevation data (FHBM)
C=FIRM, No Floodway or Coastal High Hazard
D=FIRM, Regulatory Floodway designated*
E=FIRM, Coastal High Hazard*
8. PROGRAM STATUS
1=EMERGENCY
2=REGULAR
3=NOT PARTICIPATING, NO MAP
4=NOT PARTICIPATING, WITH MAP
5=WITHDREW
6=SUSPENDED
9. FHBM STATUS
1=NEVER MAPPED
2=ORIGINAL
3=REVISED
4=RESCINDED
5=SUPERSEDED BY FIRM
9. FIRM STATUS
1=NEVER MAPPED
2=ORIGINAL
3=REVISED
4=RESCINDED
5=ALL ZONE C—NO PUBLISHED FIRM
6=ALL ZONE A AND C—NO ELEVATIONS DETERMINED
10. DATES OF ALL PREVIOUS MAPS
11. REVISION CODES
1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone designation; revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SHFA Increase with Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous Rescissions.
13. List of Numbered Floodway Panels Printed
14. Address of Community Map repository

(44 CFR § 64.6)

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 30, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-4018 Filed 2-10-81; 8:45 am]

BILLING CODE 6718-03-M

*Dual entry is available.

44 CFR Part 64

[Docket No. FEMA 5994]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama	Jefferson County	Brighton, city of	010117	750711 emerg., 810102 reg	740510
Alabama	Jefferson County	Hueytown, city of	010337	740422 emerg., 810102 reg	761001
Alabama	Jefferson County	Leeds, city of	010125	750410 emerg., 810102 reg	740607
Alabama	Jefferson County	Lipscomb, city of	010126	750725 emerg., 810102 reg	740614
Alabama	Jefferson County	Mountain Brook, city of	010128	750702 emerg., 810102 reg	740628
Alabama	Jefferson County	Roosevelt City, city of	010130	750424 emerg., 810102 reg	740628
Alabama	Jefferson County	Tarrant City, city of	010131	750916 emerg., 810102 reg	740628
Alabama	Jefferson County	Warrior, city of	010263	750512 emerg., 810102 reg	741227
Connecticut	Fairfield County	Darien, town of	090005	730119 emerg., 810102 reg	740726
Connecticut	Tolland County	Mansfield, town of	090128	730309 emerg., 810102 reg	740109
Delaware	Kent County	Frederica, town of	100009	750402 emerg., 810102 reg	740517
Iowa	Story County	Ames, city of	190254	740725 emerg., 810102 reg	740802
Iowa	Cherokee County	Cherokee, city of	190063	750122 emerg., 810102 reg	740329
Iowa	Winnebago County	Forest City, city of	190283	750618 emerg., 810102 reg	740517
Iowa	Black Hawk County	La Porte City, city of	190309	760202 emerg., 810102 reg	741206
Iowa	Winnebago County	Leland, city of	190529	751002 emerg., 810102 reg	760416
Illinois	White County	Carmi, city of	170681	750502 emerg., 810102 reg	740405
Illinois	Lake County	Lake Barrington, village of	170372	750625 emerg., 810102 reg	740913
Illinois	Cook County	Melrose Park, village of	170125	750620 emerg., 810102 reg	740405
Illinois	Cook County	Western Springs, village of	170171	750509 emerg., 810102 reg	740315
Indiana	Tippecanoe County	Battle Ground, town of	180252	751128 emerg., 810102 reg	740524
Indiana	Floyd County	Floyd County[1]	180432	761202 emerg., 810102 reg	780127
Indiana	Tippecanoe County	West Lafayette, city of	180254	741213 emerg., 810102 reg	731207
Maine	Cumberland County	Westbrook, city of	230054	750530 emerg., 810102 reg	740412
Michigan	Genesee County	Argentine, township of	260392	750711 emerg., 810102 reg	750808
Michigan	Genesee County	Flint, city of	260076	730828 emerg., 810102 reg	740215
Michigan	Eaton County	Grand Ledge, city of	260068	750718 emerg., 810102 reg	740517
Michigan	Kent County	Plainfield, township of	260109	730419 emerg., 810102 reg	731109
Michigan	Genesee County	Vienna, township of	260665	760329 emerg., 810102 reg	780224
Michigan	Eaton County	Windsor, charter township of	260071	750520 emerg., 810102 reg	740802
Minnesota	Cottonwood County	Cottonwood County[1]	270622	740415 emerg., 810102 reg	770603
Minnesota	Hennepin County	New Hope, city of	270177	750702 emerg., 810102 reg	740906
Missouri	St. Louis County	Ballwin, city of	290326	750708 emerg., 810102 reg	740607
Missouri	St. Louis County	Black Jack, city of	290336	740702 emerg., 810102 reg	740816
Mississippi	Rankin County	Pelahatchie, town of	280146	740903 emerg., 810102 reg	740607
Montana	Yellowstone County	Billings, city of	300085	740115 emerg., 810102 reg	740215
Nebraska	Dodge County	Dodge, village of	310363	780126 emerg., 810102 reg	750615
New Jersey	Monmouth County	Interlaken, Borough of	340302	750513 emerg., 810102 reg	780514
New Jersey	Warren County	Lopatcong, township of	340574	750707 emerg., 810102 reg	760827
Ohio	Ashtabula County	Ashtabula County[1]	390010	770215 emerg., 810102 reg	780303
Ohio	Cuyahoga County	Bedford, city of	390095	750711 emerg., 810102 reg	740208
Ohio	Medina County	Brunswick, city of	390380	730405 emerg., 810102 reg	731102
Ohio	Lake County	Lake County[1]	390771	751022 emerg., 810102 reg	780106
Ohio	Lucas County	Waterville, village of	390637	750409 emerg., 810102 reg	740405
Oklahoma	Oklahoma County	Jones City, town of	400141	760630 emerg., 810102 reg	750711
Oregon	Jackson County	Rogue River, city of	410098	740517 emerg., 810102 reg	740531
Pennsylvania	Susquehanna County	Great Bend, township of	421212	750213 emerg., 810102 reg	761001
Pennsylvania	Montgomery County	Lower Pottsgrove, township of	421908	740801 emerg., 810102 reg	741108
Pennsylvania	Berks County	Marion, township of	421079	751028 emerg., 810102 reg	740913
Pennsylvania	Lebanon County	North Cornwall, township of	420576	730316 emerg., 810102 reg	731207
Pennsylvania	Susquehanna County	Oakland, Borough of	422071	751014 emerg., 810102 reg	750131
Pennsylvania	Luzerne County	Rice, township of	420996	731206 emerg., 810102 reg	740329
Pennsylvania	Bradford County	Sheshequin, township of	421102	750422 emerg., 810102 reg	740628
Pennsylvania	Lancaster County	West Lampeter, township of	420566	730709 emerg., 810102 reg	740208
Rhode Island	Providence County	Scituate, town of	440024	750713 emerg., 810102 reg	740906
South Carolina	Anderson County	Anderson County[1]	450013	750702 emerg., 810102 reg	741206
South Dakota	Custer County	Custer, city of	460019	730411 emerg., 810102 reg	740524
Texas	Hidalgo County	Hidalgo County[1]	480334	721006 emerg., 810102 reg	780523
Texas	Jasper County	Jasper, city of	480383	750702 emerg., 810102 reg	740329
Vermont	Franklin County	Enosburg Falls, village of	500056	750721 emerg., 810102 reg	740405
Wisconsin	La Crosse County	Bangor, village of	550218	750120 emerg., 810102 reg	700118
Wisconsin	Dane County	Black Earth, village of	550079	750807 emerg., 810102 reg	731217
Wisconsin	Ozaukee County	Fredonia, village of	550313	750207 emerg., 810102 reg	740109
Wisconsin	Winnebago County	Neenah, city of	550509	740423 emerg., 810102 reg	740628
Wisconsin	Racine County	Rochester, village of	550352	750321 emerg., 810102 reg	740109
Wisconsin	Racine County	Waterford, village of	550354	750610 emerg., 810102 reg	731217

[1] Unincorporated areas. Total is: 66.

(National Flood Insurance Act of 1968 [title XIII of the Housing and Urban Development Act of 1968]; effective Jan. 28, 1969 [33 FR 17804, Nov. 28, 1968], as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 30, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81–4619 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-122; RM-3320]

FM Broadcast Station in Ashland, Oregon; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns FM Channel 286 to Ashland, Oregon, as that city's second FM service, as requested by A-Train Radio, Inc. The action also substitutes FM Channel 270 for FM Channel 269A, and modifies the license of FM Station KKIC at Ashland to specify operation on Channel 270.

DATE: Effective March 30, 1981.

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

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

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Ashland, Oregon); BC Docket No. 80-122, RM-3320; Report and order (Proceeding terminated).

Adopted: January 27, 1981.

Released: February 3, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rulemaking and Order To Show Cause*, 45 FR 23483, published April 7, 1980, proposing the assignment of Class C FM Channels 286 and 270 and the deletion of Channel 269A from Ashland, Oregon, and the modification of the license for Channel 269A (Station KKIC(FM)) to specify operation on Channel 270 at Ashland. Comments were filed by A-Train Radio, Inc. ("petitioner"), the party initially requesting the assignment of Channel 286 to Ashland; Rogue Radio Corp. ("Rogue"), licensee of Stations KCMX(AM) and KKIC(FM) in Ashland; and Radio Medford, Inc. ("Medford"), licensee of Radio Station KTMT(FM) in Medford, Oregon. Petitioner and Rogue filed reply comments. An informal comment was submitted by James B. Mayo of Medford, Oregon.

2. In its comments, petitioner incorporates by reference the information contained in its petition for rulemaking and restates its intention to apply for authority to construct and operate a station on Channel 286, if assigned. In response to the instructions in the *Notice* relating to additional channels available for assignment in those communities precluded by its request, petitioner states that Ferndale, California, could be served by Channel 292; Blue Lake, California, could be assigned Channel 288A; Channel 257A would work at Weaverville, California; and Channel 296A is available for assignment to McCloud. Regarding Jacksonville, Oregon, petitioner states that it is part of the homogeneous urban area of Medford and that it should not be considered as a community precluded from service by the proposed assignment. Petitioner nonetheless states that a number of channels, including Channels 295, 297, 298 and 299 can be dropped into the Medford area and could be used in the neighboring communities. Finally, petitioner states that if it is the ultimate licensee of Channel 286, it agrees to reimburse Rogue for the reasonable costs of changing frequencies.

3. Rogue states in its comments that it consents to the modification of its license for Station KKIC(FM) and will undertake the preparations necessary for changing facilities upon the adoption of the revisions to the FM Table of Assignments.

4. Radio Medford opposes the assignment due to two perceived technical problems. Medford first states that the severely mountainous terrain is a hindrance to the Class C stations' ability to serve the regional audiences expected by the petitioner and Rogue. Medford states that, given the sites proposed, significant coverage is possible only in a northwesterly direction and that the primary and secondary service areas anticipated to the south could not be reached due to the rugged terrain. Medford asserts that because many of the areas projected by petitioner are unlikely to receive service, a Class C regional station is unwarranted. Medford also argues that petitioner's proposed transmitter site, Mt. Baldy, is a densely populated communications site and that the proposed high power Class C station would produce severe RF interference problems for other users at that site. For these reasons, Medford argues that the public interest would not be served by the proposals and that the proceeding should be terminated. Two engineering exhibits were appended to substantiate Medford's claims regarding the service area limitations.

5. Petitioner and Rogue submitted reply comments in rebuttal to Medford's assertions. Both parties disagree with Medford's engineering conclusions concerning the service area coverage and the transmitter site RF problems. Engineering statements are included by both parties which support their assertions that Medford's analysis of the technical issues is incorrect. Furthermore, the proponents of the assignments aver that such considerations are not relevant to rule making proceedings such as this.

6. An informal comment submitted by James B. Mayo of Medford, suggests that if one or more Class C stations are assigned to Ashland, the license of KKIC should not be modified to specify operation on one of the channels. Mayo asserts that other applicants should be given the opportunity to show how they might better serve the regional area. Mayo therefore opposes modification of KKIC's license without consideration of competing applicants.

7. Ashland (pop. 13,600), in Jackson County (pop. 94,533), is located near the Oregon-California border, approximately 360 kilometers (225 miles) south of Portland, Oregon. Ashland is served locally by fulltime AM Station KCMX, daytime-only AM Station KDOV, FM Station KKIC, and noncommercial educational FM Station KSOR (Channel 211).

8. Petitioner has submitted persuasive evidence with regard to Ashland and its need for an additional FM broadcast service. Petitioner has shown that Ashland is a growing community whose economy is supported by tourism, lumber and wood products, and steel fabrication. The Class C channel would, according to the *Roanoke Rapids/Anamosa* study submitted by petitioner, provide a first FM service to 1,236 persons and second FM and nighttime aural service to 5,081 persons. The second Class C station being assigned in this proceeding will offer a second FM service to a significant portion of the area.

9. With regard to Medford's objections, we note that such technical arguments are not generally pertinent in rule making proceedings such as this. Petitioner submitted a *Roanoke Rapids/Anamosa* showing consistent with the Commission's guidelines in performing such studies. We require nothing more at this stage. In fact, the existence of rugged terrain has been cited in the past as a justification for assigning a Class C channel. *See Portage and Shawano, Wisconsin, et al.*, 40 F.C.C. 1021, 1024 (1965). Likewise, the issue of potential RF interference is not usually a factor in FM assignment actions. Any existing station which believes that its service will be impaired may raise the issue when an FM application for the channel is filed. *See Augusta, Maine*, 40 RR 2d 1477 (Broadcast Bureau 1977).

10. A final issue remains concerning the modification of the license of Station KKIC(FM). According to Commission policy as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), an existing license will be modified to specify a newly assigned channel only if no other party indicates an interest in applying for the channel. In the instant case, James B. Mayo states that the license should not be modified without consideration of competing applicants. The issue is whether this informal comment of Mayo is an expression of interest sufficient to require Rogue to file an application for Channel 270 as opposed simply to our modifying its license. We believe that Mayo's letter is clearly not a sufficient statement of interest to justify requiring Rogue to file an application for the channel. Mayo failed to state, as required, that he would submit an application to operate on the channel, and the Commission has no basis for inferring such an interest on the part of anyone else. In this situation, it is unlikely that requiring Rogue to file an application for the channel would lead us to a more informed judgement on its ability to operate in the public interest. Because no other party has stated an interest in the channel, we see no reason to cause the further delay and expense inherent in filing an application for the channel. Therefore, we find that Rogue's license should be modified to specify operation on Channel 270. *Fort Walton Beach, Florida, et al.*, 62 F.C.C. 2d 76 (1976); *recons.* 67 F.C.C. 2d 434 (1978).

11. Accordingly, it is ordered, That effective March 30, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Ashland, Oregon, as follows:

City	Channel No.
Ashland, Oregon	270, 286

12. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, the license of Station KKIC (FM), Ashland, Oregon, IS MODIFIED, to specify operation on Channel 270. In addition:

(a) At least 30 days before operating on Channel 270, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 270;

(b) At least 10 days prior to commencing operation on Channel 270, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

The licensee shall not commence operation on Channel 270 without prior Commission authorization. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

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

14. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Rogue Radio Corp., Box 128, Ashland, Oregon, 97520.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4671 Filed 2-10-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 28
Wednesday, February 11, 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.

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Regulation Docket 39077; EDR-417A]

Uniform System of Accounts and Reports for Certificated Air Carriers

Dated: February 6, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends the comment period in the CAB's rulemaking to reduce financial and statistical reporting in the CAB Form 41 Report. The extension is at the request of Transamerica Airlines.

DATES: Comments by: March 25, 1981.

Reply comments by: April 9, 1981.

Comments and relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 39077, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or J. T. Curry, Data Requirements Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-417 (45 FR 85064, December 24, 1980), the Board proposed to simplify reduce the financial and statistical reporting requirements contained in its largest information system, the CAB Form 41 Report. The proposal would reduce reporting for all air carriers holding a certificate of public convenience and necessity.

On February 2, 1981, Transamerica Airlines, Inc., asked for an extension of the comment period for 30 days. Transamerica argued that because of the potentially substantial impact this proposal could have on the reports filed by the carriers, possibly increasing the burden on some, the proposal must be thoroughly reviewed by its accounting staff. The accounting staff is not engaged in closing the corporate books for 1980 and cannot devote full attention to the proposal until the end of February.

There have been no previous extensions granted in this proceeding, and no specific target date has been set for Board action. Because of the importance to the carriers of this proposal, the Board would like to have as many thorough comments as possible.

Accordingly, I find good cause to extend the time for preparation of initial comments until March 25, 1981, and the time for filing reply comments until April 9, as asked.

Under authority delegated by the Board in 14 CFR 385.30(d), the time for filing initial comments is extended to March 23, 1981, and for reply comments to April 9, 1981.

(Secs. 204, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

Richard B. Dyson,

Associate General Counsel Rules & Legislation.

[FR Doc. 81-4859 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 252

[EDR-420; Docket No. 29044]
Dated: February 4, 1981

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB proposes in the alternative to ban smoking on airplanes entirely or to eliminate all CAB regulation of in-flight smoking. This action is taken as part of a general review of the current smoking rule.

DATES: Comments by: April 13, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: February 20, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 29044, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Attorney-Advisor, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

Background

The Board's smoking rule, 14 CFR Part 252, currently requires scheduled and charter air carriers holding a section 401 certificate, and commuter carriers in their operations of larger than 30-seat aircraft, to maintain a no-smoking section in each class of service of at least two rows, and to expand that section to accommodate all passengers who wish to be seated there. It also requires carriers to provide special segregation for cigar and pipe smokers, and to ban all smoking when the ventilation system is not fully functioning. A waiver provision has recently been added to permit airlines to seek Board approval to experiment with alternative methods of protecting nonsmokers from tobacco smoke to the maximum possible degree.

Part 252 was originally adopted by ER-800, 38 FR 12207, May 10, 1973, following a petition to ban in-flight smoking from Ralph Nader. ER-800 required certified carriers to separate smokers and nonsmokers. The current rulemaking on this issue began in 1976 in response to a petition from Action on Smoking and Health (ASH). At that time, the Board, in EDR-306, 41 FR 44424, October 8, 1976, proposed to ban cigar and pipe smokig, limit smoking areas to one per compartment in order to prevent nonsmokers from being sandwiched between two smoking sections, and require the expansion of the no-smoking section to accommodate

all who wish to sit there. The Board also requested comments on a total ban on in-flight smoking although that was not specifically proposed. In ER-1091, 44 FR 5071, January 25, 1979, the Board adopted the provision for expansion of the no-smoking section and required special segregation of cigar and pipe smokers and a total ban on smoking when the aircraft's ventilation system is not fully functioning. Action on the other proposals was deferred and these were included in another proposal, EDR-377, 44 FR 29486, May 21, 1979. In EDR-377, the Board proposed to ban smoking on short flights and small aircraft, to require special accommodations for passengers who are unusually susceptible to ill effects from tobacco smoke, and to require partitions or buffer zones between smoking and no-smoking sections. Several further restrictions on cigar and pipe smoking were also proposed. These were: limiting cigar and pipe smoking to an area at least seven rows from the no-smoking section, permitting cigars and pipes to be smoked only by passengers seated closest to the air vent in each row, permitting them to be smoked only at the rear of the compartment, prohibiting them in any compartment if any person seated there requested such a ban through a flight attendant, or banning cigar and pipe smoking entirely. In a supplemental notice, EDR-377A, 44 FR 33410, June 11, 1979, the Board proposed to extend the coverage of Part 252 to all air taxis, including those providing on-demand service only.

The proposals in EDR-306 and EDR-377 that have not been adopted remain live options. We have decided to broaden this rulemaking, however, to also include two additional issues: (1) Banning in-flight smoking entirely, and (2) revoking Part 252. This will permit us to reexamine the entire range of issues in our review of the smoking rule.

Ban on Smoking

Although the Board has never specifically proposed a total ban on smoking aboard aircraft, we have received thousands of comments and letters urging us to impose such a ban. The reason for banning smoking aboard aircraft most often cited by nonsmokers to justify a total ban, is the health hazard of passive smoking (inhalation of tobacco smoke in the air by nonsmokers).

The health of the nonsmoking passengers has not been the basis of our rulemaking in this area up to now. The Federal Aviation Administration (FAA) has taken the lead on this aspect of the smoking issue. In 1970, the FAA, relying on section 601 of the Federal Aviation Act as authority for prescribing rules to protect nonsmoking passengers from the health hazards of tobacco smoke, launched an inquiry to decide whether such rules were needed. 35 FR 5045, March 25, 1970. It conducted a study with the Department of Health, Education, and Welfare. This study found that the well-ventilated aircraft environment results in levels of tobacco smoke contaminants much lower than the maximums acceptable under occupational and environmental air quality standards. Based on that study and the other information before it, the FAA concluded that there was "no persuasive evidence that exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates) is injurious to the health of nonsmokers." 38 FR 19048, July 17, 1973.

The Board's jurisdiction over in-flight smoking derives principally from section 404(a) of the Federal Aviation Act. This section requires carriers to provide "adequate service" and to "establish just and reasonable practices." The Board has held that section 404(a) authorizes it to regulate smoking for the sake of passenger comfort. We have never disclaimed jurisdiction over the health issue, however, and it would be reasonable to find that service that is unhealthy is not "adequate" or "reasonable" service under 404(a).

Some new material on the health aspects of passive smoking has recently been submitted to us, particularly White and Froeb, *Small-Airways Dysfunction in Nonsmokers Chronically Exposed to Tobacco Smoke,* The New England Journal of Medicine (March 27, 1980). This study concluded that chronic exposure to tobacco smoke in the work environment is deleterious to the nonsmoker and significantly reduces the functioning of small air passages. White and Froeb studied more than 2,000 healthy middle-aged men and women who had been employed for 20 years or more in an enclosed working area that permitted smoking and routinely contained tobacco smoke. Although the researchers did not find that disease of small air passages alone causes long-term medical problems or is noticeable to the victim, it often precedes more dangerous lung disease, such as emphysema. Commenters relying on this or other studies as proof of the adverse effect of in-flight smoking on nonsmokers should explain how these studies relate to the level and length of exposure to smoke encountered by nonsmokers in the present segregated aircraft seating arrangements.

Even if it cannot be shown that smoking aboard presents a health hazard to nonsmokers, commenters may still argue for a complete ban on smoking on the basis of the annoyance and physical discomfort it causes many people. In the past, several commenters have noted that nonsmokers are a majority and entitled to breathe air free of tobacco smoke. This "right," in their view, should take precedence over the conflicting "right" to smoke that smokers claim. Courts have recognized that the freedom to smoke "may have to give way to the freedom of other to be unannoyed by smoke." *Nader v. Federal Aviation Administration,* 440 F.2d 292, 295 (D.C. Cir 1971). Many nonsmokers have complained that separating nonsmokers from smokers does not adequately protect them because the smoke drifts from the smoking section.

In addition to those who are annoyed by tobacco smoke, some people are allergic to it and suffer serious ill effects when exposed to smoke. The Board proposed that airlines be required to make special provision for unusually susceptible persons. In response to that proposal, the Aviation Consumer Action Project (ACAP) stated that moving unusually susceptible persons far away from the smokers would not do them any good. If so, a total ban may be the only way to meet the needs of people with allergies to tobacco smoke. Although few in number (four percent of the population according to a survey by the Roper organization), they have argued that their needs should take precedence because of the potentially serious consequences for them from exposure to tobacco smoke.

Banning smoking on aircraft is not without precedent. Many small aircraft operators have banned smoking on their flights. Suburban Airlines, in previous comments in this docket, stated that it had banned smoking on its 19-seat aircraft after a passenger survey indicated that most found smoke objectionable in that small cabin area. It reported that the ban was not difficult to enforce but saw no need to extent it to its larger aircraft. Hawaiian Airlines stated that its 2-month experiment with no-smoking flights indicated that a ban would receive public acceptance, and would be less costly and administratively less burdensome than the current segregation requirements. While the positive experience of the small operators may lend support to the argument that a total ban should be extended to the entire industry, there are differences between the large airlines and these commuters which

may militate against making such a ban mandatory.

Revocation of Part 252

In passing the Airline Deregulation Act of 1978 Pub. L. 95–504), Congress directed the Board to rely on actual and potential competition to determine the variety and quality of air transportation. In light of this mandate and our own efforts to increase competition in the airline industry, many persons have argued that it is inconsistent to continue to regulate a feature of airline service such as smoking during flight. Faced with the expectation and demand of many passengers for no-smoking seats, they claim that carriers would offer satisfactory arrangements for these customers. Failure to do so could cause many nonsmokers to choose another airline or an alternate means of transportation that provides the confort they desire. How airlines deal with the smoking problem may be viewed as another element of their price/service mix over which they compete.

Indeed there is evidence that the absence of government regulation would not cause nonsmokers to suffer. The Board has only recently applied Part 252 to commuters operating larger than 30-seat equipment, and has never regulated smoking on aircraft operated by other air taxis. Yet many of these small operators have taken the initiative on this problem and some have banned smoking entirely on their flights. Manuals on file with the Board indicate that Air Wisconsin, Cochise Airlines, Golden West, Imperial Airlines, and Skywest have banned smoking entirely on their passenger flights. Altair has done so on its 15-seat aircraft. From this one may conclude that relying on the marketplace will lead to the provision of the type of smoking/no-smoking accommodations that the public desires, and may even cause the imposition of stricter controls than the Board has required.

Commenters have argued that Board regulation of in-flight smoking is not only unnecessary and undesirable, but also illegal. In the past, several comments have questioned the Board's authority to require the separation of smokers and nonsmokers. They have pointed out that the Act does not specifically direct the Board to regulate smoking aboard aircraft. In fact, they have argued, such regulation is contrary to section 401(e)(4) of the Act. That section prohibits the Board from imposing certificate conditions that restrict an air carrier in changing its accommodations and facilities.

The Board has relied primarily on section 404(a) of the Act as the authority to regulate smoking. This section requires air carriers, among other things, "to provide adequate service" and "to establish, observe, and enforce * * * just and reasonable * * * practices." We have held that services and practices that do not provide for the effective separation of smokers and nonsmokers on aircraft are not adequate service or just and reasonable practices. ER–800, 38 FR 12207, May 10, 1973. We still view section 404(a) as a sufficient basis for regulating in-flight smoking and we will continue to vigorously enforce our smoking rule.

Opponents have argued, however, that the requirements of section 404(a) are not relevant to in-flight smoking. The term "service" in that section refers, in their view, to aspects of a carrier's schedules such as the number and timing of flights, the number of stops, or the hubs to which flights go, rather than to passenger amenities. Also, the term "just and reasonable practices" in section 404(a)(2) has been read as relating only to the "individual and joint rates, fares and charges," the clause that precedes it in that paragraph. They argue that this limited reading of that clause would be consistent with the title of section 404, *Rates for Carriage of Persons and Property*, and the thrust of section 404 directed toward carriers' rates.

In Order 80–8–80, we reconsidered the issue of our authority to adopt and enforce a smoking rule. Relying primarily on *National Ass'n of Motor Bus Owners v. United States*, 370 F. Supp. 408 (D.C. 1974), the Board reaffirmed its authority to regulate smoking aboard aircraft. In that case, a three-judge district court upheld an Interstate Commerce Commission (ICC) regulation restricting smoking on buses traveling in interstate commerce. The court held that such a rule was a proper exercise of jurisdiction by the ICC under section 204(a)(1) and (a)(6) of the Interstate Commerce Act (49 U.S.C. 304(a) (1) and (6)) which, like section 404(a) of the Federal Aviation Act, authorizes the ICC to assure "the adequacy of service." We also cited the need for an orderly resolution of the on going conflict between smokers and nonsmokers and the majority of Americans (91 percent according to a survey by the Roper organization) who favor separation of smokers and nonsmokers on aircraft as justification for our smoking rule.

Commenters are invited to submit arguments on the Board's authority to regulate smoking. The Board is interested in suggestions as to how the *Motor Bus* case may be distinguished from the Board's situation and why it is not in the public interest for the Board to continue to have rules in this area.

We would also consider ways to limit the coverage of Part 252 short of a total revocation of that rule. For instance, we may consider waiving the rule in markets where three or more carriers are operating. Although carriers face incentives to provide adequate service even in monopoly markets, the incentives may be stronger in competitive markets where there are several carriers to choose from. In a competitive market, an airline might offer a lower-cost service that made no distinction between smokers and nonsmokers, or banned smoking in flight, while passengers had the option of flying on other carriers with different fares and types of service. By allowing airlines this flexibility in competitive markets, we could study the carriers' responses and decide whether to relax the rule further or reinstate it in those markets.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." While the economic, as opposed to the social, significance of this rule may be questioned, we have elected to perform an initial regulatory flexibility analysis in this case.

The analysis is required to describe the need, objectives, legal basis for and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. Two alternative approaches are also set forth above. Other alternatives are described in EDR–377, 44 FR 29486, May 21, 1979, and EDR–377A, 44 FR 33410, June 11, 1979.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. The alternatives proposed in this notice would apply to all air taxi operators providing passenger air transportation (between three and four thousand). The alternatives proposed in EDR–377 would apply only to air taxis providing scheduled passenger air transportation (commuters), and only to their

operations with larger than 30-seat aircraft (fewer than 100 carriers), unless the proposal in EDR-377A were also adopted. EDR-377A proposed to apply the smoking rule to all air taxis regardless of size or type of operation.

There would be no compliance requirements if the first alternative (eliminating Part 252) were adopted, although some carriers may find it more difficult to accommodate the conflicting demands of smokers and nonsmokers without a government rule to rely on as jusification for their action. Under the second alternative (banning smoking), all air carriers would have to revise their employee manuals to reflect the fact that they were banning smoking on their flights. The revised manuals must be filed with the Board's Bureau of Complaince and Consumer Protection. Neither alternative proposed here would duplicate, overlap or conflict with other Federal rules.

Oral Argument

After the receipt of comments, we intend to hold an oral argument on the issues raised in this notice and in EDR-377. The time and place will be announced at a later date. In addition to the issues raised here, participants are also invited to discuss the disposition of Part 252 after the Board sunsets: whether it should be revoked then if not before, or if not revoked, to what agency it should be transferred.

Proposal

Accordingly, the Civil Aeronautics Board proposes, as further alternatives to those proposed in EDR-377, 44 FR 29486, May 21, 1979, the following amendments of 14 CFR Part 252, *Smoking Aboard Aircraft:*

First Alternative

PART 252—SMOKING ABOARD AIRCRAFT [REMOVED]

1. Part 252 would be removed.

Second Alternative

1. Section 252.1 would be revised to read:

§ 252.1 Applicability.

This part applies to each direct air carrier that holds a certificate of public convenience and necessity authorizing the transportation of persons, issued under section 401 of the Act, and to air taxis registered under Part 298 of this chapter (hereinafter called "carriers").

§ 252.1a [Removed]

2. Section 252.1a would be removed.

3. Section 252.2 would be revised to read:

§ 252.2 Ban on smoking.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco aboard their aircraft.

§ 252.2a, 252.3, and 252.6 [Removed]

4. Sections 252.2a, 252.3, and 252.6 would be removed.

(Secs. 204(a), 404(a), 407, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 766; (49 U.S.C. 1324, 1374, 1377))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4714 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on requested exemption from trade regulation rule.

SUMMARY: The Commission is requesting public comment on a petition of the National-American Wholesale Grocers' Association seeking an exemption from the requirements of the Franchise Rule for wholesaler-sponsored grocery chains.

DATE: Written comments will be accepted until March 11, 1981.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th & Pennsylvania Ave, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Craig Tregillus, PM-H-272, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, (202) 523-3862.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the rule provides for pre-sale disclosure to prospective franchisees of sufficient material information about the franchisor, the franchised business and the terms of the proposed franchise relationship to make informed investment decisions possible. A summary of the rule appears as *Appendix A* below.

Section 18(g)(1) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from the rule. Section 18(g)(2) further provides that if, upon request or on its own motion, the Commission finds that the application of a trade regulation rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

A petition for exemption pursuant to Section 18(g)(1) was filed on October 21, 1979, by the National-American Wholesale Grocers' Association ("NAWGA"). This initial petition sought a blanket exemption from franchise rule coverage for wholesaler-sponsored grocery chains. Specifically, the petition requests that an exemption be granted to:

> Wholesale grocers that sell either to retail grocers licensed to use the trademarks and trade names associated with a Voluntary Group or to retail grocers not so licensed or both, either of which may, on request, at a stipulated charge, receive from the wholesaler services such as assistance in site selection and analysis, store planning and engineering, equipment purchasing, financing, advertising, and retail accounting so long as the wholesale grocer does not limit its willingness to license its trademarks or trade names to those retail grocers who take and pay for any such services or who pay the wholesale grocer any other fees in excess of $500 during the period from any time before to within six months after commencing operation of the retailer's business.

The text of NAWGA's initial petition is set forth in *Appendix B* below.

NAWGA subsequently filed two amended petitions dated February 26, and March 27, 1980, each of which proposed alternative exemptions for consideration along with the initial exemption request. Both of the alternatives would exempt only offers of affiliation with a wholesaler chain made to retailers having either a specified amount of prior relevant grocery industry experience or 500 hours of training. The two proposals differ only in the amount of experience necessary: one would require two (2) years of relevant experience; the other, three (3) years. In particular, the exemption requested by the amended petitions would be applicable to:

> Wholesale grocers (1) who license the use of trade names or trademarks by retail grocery stores; (2) who sell to retail grocery stores; and (3) who solicit prospective retail licensees of such trademarks or trade names when: (a) such licensees include at least one partner, or principal in the case of a corporation, or other person with a proprietary interest in the licensed business who has [two] [three] or more years' experience as owner, manager, executive,

retail field advisor, or supervisory employee of a grocery manufacturing or processing firm or of a retail or wholesale grocery business; or (b) such a wholesale grocer makes available to such prospective licensee a program of at least 500 hours of training in the retail grocery business.

The text of the amended petitions is set forth in *Appendices C* and *D* below.

Briefly stated, NAWGA submits that either a full or limited exemption should be granted because: (1) the abuses the franchise rule is designed to prevent do not occur in the traditional working relationship between wholesale grocers and independent retailers who choose to participate in wholesaler-sponsored chains; (2) the lack of abuse results from the emergence of wholesaler chains as a vehicle enabling independent grocers to compete with large grocery chains, rather than as a means for achieving rapid franchise expansion using investor capital; (3) the lack of abuse also follows from the fact that retailers can affiliate with a wholesaler chain with little risk, since no large initial franchise fees are required and substantial wholesaler investments in new chain participants ensure care in their selection; (4) the prospective retailers the rule protects are knowledgeable investors with enough experience in the grocery industry to evaluate the merits of chain affiliation without benefit of formal disclosures; and (5) required compliance with the franchise rule will work to the competitive disadvantage of the independent segment of the grocery industry, thereby injuring industrywide competition.

For a complete presentation of the arguments presented by NAWGA, please see the petitions reproduced below as *Appendices B, C,* and *D.*

Section 18(g)(2) of the Act authorizes the Commission to grant an exemption from all or part of a rule where "the application of the rule * * * to any person or class or persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates." Thus, the issue of whether or not applicability of a trade regulation rule should be viewed as "necessary" in a particular case raises a number of fundamental general questions which the Commission may consider in reaching a final determination: (1) Whether, and to what extent, any of the unfair or deceptive acts and practices the rule is designed to prevent have been committed by the person or class seeking exemption; (2) Whether, and to what extent, there would be a realistic potential for the occurrence of such abuses after an exemption were granted; (3) Whether there are identifiable factors, such as structural or operational characteristics, which sufficiently differentiate the person or class seeking exemption from others covered by the rule to explain the absence, if that is the case, of significant past abuses which the rule is designed to remedy, and to make it unlikely that the person or class would engage in such abuses in the future; (4) Whether these or other special characteristics would minimize the risk of abuse, mitigate its impact, or otherwise make applicability of the rule unnecessary; and (5) If an exemption is warranted, the proper definition of the class of persons sharing the characteristics that make applicability of the rule unnecessary.

The Commission has reviewed the arguments made by petitioners and concluded that further inquiry is required before a final determination regarding the petition can be made. Although petitioners have delineated factors which indicate that an exemption may be appropriate, more information is needed to determine whether an exemption should be granted, and the appropriate scope of such an exemption.

Accordingly, the Commission seeks public comment regarding the initial and alternative exemption requests presented by NAWGA. In that regard, the Commission wishes to solicit comment on each of the general issues identified above, and on all the arguments and representations made by the petitioner.

The Commission particularly encourages public comment on the following questions raised by the petitions: (1) What evidence is available to support or refute the claim that the failure rate of wholesaler-sponsored chain participants is low; (2) What is the dollar range of the amount of money wholesalers invest in each new chain store they sponsor; (3) What investment amount, if any, is typical or average; (4) Precisely how and when do wholesalers recover their investment; (5) If and when store failures occur, how do wholesalers minimize their losses; (6) Will prior experience in the grocery industry assure that a prospective wholesaler-sponsored chain participant can assess the risks of participation without need of formal disclosures; (7) If so, how long a period of experience is necessary for that purpose; (8) In what types of businesses in the industry, if any, can such experience be obtained; (9) What types of jobs or positions with what responsibilities will provide such experience in each type of business; (10) Should more than one member of a group of investors be required to have such experience; (11) What ownership interest or position, if any, should an investor group member with relevant experience be required to have in a group which is a partnership, corporation or other legal entity; (12) What additional restrictions, if any, should be imposed on an investor group member with relevant experience who is affiliated with the sponsoring wholesaler; (13) Will satisfactory completion of on-the-job or other training prior to a commitment to participate in a wholesaler-sponsored chain assure that a prospective participant can assess the risks of participation without need of formal disclosures; (14) If so, what period and type of training are necessary for that purpose; and (15) If an exemption is granted, should it apply to franchised convenience stores; and (16) If not, how should the limitation be expressed.

All interested parties are hereby notified that they may submit written data, views or arguments on any issues of fact, law or policy that may have some bearing on the requested exemption. Such submissions may be made for the next thirty days to the Secretary of the Commission. Each submission should be identified as a "Grocery Industry Franchise Rule Exemption Comment." Submission of 5 copies of all comments is requested, but not required.

Written comments will be accepted until March 11, 1981. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Appendix A—Franchise Rule Summary

The Franchise Rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," [16 CFR 436] has been promulgated in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often are able to exist because prospective franchisees lack a ready means of obtaining essential and reliable information about the business in which they are asked to invest their money and, frequently, their labor. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and

franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is consummated and (ii) by means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule [§ 436.2(a)]

Either of two types of continuing commercial relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) the franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trademark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

The second type also involves three characteristics: (1) the franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor secures accounts for the franchisee, or secures locations or sites for vending machines or rack displays, or provides the services of a person able to do either; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document [§ 436.1(a)]

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.
7. Money required to be paid by the franchisee to obtain or commence the franchise operation.
8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in part to the franchisor.
9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.
10. Realty, personalty, services etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.
11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.
12. Description of any franchisor assistance in financing the purchase of a franchise.
13. Restrictions placed on a franchisee's conduct of its business.
14. Required personal participation by the franchisee.
15. Termination, cancellation and renewal of the franchise.
16. Statistical information about the number of franchises and their rate of terminations.
17. Franchisor's right to select or approve a site for franchise.
18. Training programs for the franchisee.
19. Celebrity involvement with the franchise.
20. Financial information about the franchisor.

The disclosures must be made in a single document, with a cover sheet setting forth the name of the franchisor, the date of issuance of the document, and a statement—whose text is set forth in the Rule—advising the prospective franchisee of the contents and purpose of the document. The document may not include information other than that required by the Rule or by State law not preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with franchisor, or (2) ten days prior to the execution of a contract or payment of consideration relating to the franchise relationship. At that time, the franchisor or franchise broker must give the prospective franchisee copies of the franchisor's standard franchise agreement.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change relating to the franchise business of the franchisor.

C. Earnings Claims [§ 436.1(b)–(e)]

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the rule.
2. The earnings claim.
3. A statement of the bases and assumptions upon which the earnings claim is made.
4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
5. A mandatory caution statement, whose text is set forth in the rule.

concerning the likelihood of duplicating the earnings claim.

6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchisee (except for media claims).

Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule

It is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. to fail to furnish prospective franchisees, within time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement [§ 436.1(a)];

2. to make any representations about the actual or potential sales, income, or profits of existing or prospective franchises except in the manner set forth in the Rule [§ 436.1(b)–(e)];

3. to make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule [§ 436.1(f)];

4. to fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties [§ 436.1(g)]; and

5. to fail to return to prospective franchisees any funds or deposits (such as down-payments) identified as refundable in the disclosure document [§ 436.1(h)].

Violators are subject to civil penalty actions brought by the Commission of up to $10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while the Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law and, like other Federal substantive regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be preempted by the Rule include State provisions requiring the registration of franchisors and franchise salesman, State requirements for escrow or bonding arrangements and State required disclosure obligations exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

F. The Uniform Franchise Offering Circular

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in 14 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rule, and subjects where the Rule requires more disclosure than the UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the Rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association, Inc., on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) the persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

Appendix B—Petition for Suspension of Effective Date of Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures (16 CFR 436) Filed By National-American Wholesale Grocers' Association (NAWGA)

The National-American Wholesale Grocers' Association, a national trade association, on behalf of its members hereby requests that the effective date for the Federal Trade Commission Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" promulgated December 21, 1978, effective October 21, 1979 (16 CFR 436), be suspended for the class covered by the accompanying Petition for Exemption until the Federal Trade Commission has officially acted on that petition and, if that petition should be denied in whole or in part, for an additional 60 days thereafter. The class covered by this request is the following:

Wholesale grocers that sell either to retail grocers licensed to use the trademarks and trade names associated with a Voluntary Group or to retail grocers not so licensed or both, either of which may, on request, at a stipulated charge, receive from the wholesaler services such as assistance in site selection and analysis, store planning and engineering, equipment purchasing, financing, advertising, and retail accounting so long as the wholesale grocer does not limit its willingness to license its trademarks or trade names to those retail grocers who take and pay for any such services or who pay the wholesale grocer any other fees in execess of $500 during the period from any time before

to within six months after commencing operation of the retailer's business.

Respectfully submitted,
National-American Wholesale Grocers' Association.*
Gerald E. Peck,
President.

Petition for Exemption from Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures (16 CFR 436) Filed By National-American Wholesale Grocers' Association, INC. (NAWGA)

This petition for exemption from the requirements of the Federal Trade Commission's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" promulgated December 21, 1978, effective October 21, 1979 (16 CFR 436), is filed pursuant to the provisions of section 18(g) 1 of the Federal Trade Commission Act, 15 U.S.C. 570.

This petition for exemption is submitted by the National-American Wholesale Grocers' Association ("NAWGA"), a national trade association, on behalf of its members who are independent wholesale grocers. The petition seeks exemption for its grocery wholesalers' sponsorship of Voluntary Groups of retail grocers and to grocery wholesaler sales to retail grocers.

The bases for this petition are:

(1) Nothing in the traditional working relationship of grocery wholesalers with their grocery retail and food-service customers includes the abuses that the franchise disclosure rule is designed to prevent.

(2) The rule will work to the competitive disadvantage of the independent segment of the grocery industry because corporate chains and retailer-owned cooperative wholesalers are not covered by the rule and are not required to divulge publicly data heretofore considered confidential.

(3) In the grocery-wholesaler relationship with customers, since the wholesaler typically assumes substantial financial risk, retail store operators, the wholesaler's customers, are required to be not only experienced but also of proven competence.

I. Background

An important aspect of the business of many NAWGA members is the sponsorship of Voluntary Groups of independent retailers. The Voluntary-Group concept contributed significantly to increasing the ability of independent retailers to compete effectively with corporate chains and to offer greater options for consumers.

The wholesaler-retailer relationship is distinguished in important respects from true franchising and protects the retailer against the kinds of abuses to which the Rule is addressed.[1] Indeed, the absence of serious controversies or litigation between wholesalers and retailers in Voluntary Groups during the over 50 years this form of marketing has existed in one of the strongest arguments for exemption from the Rule.[2]

The Voluntary-Group concept in the grocery industry arose in response to the devastating effects of the chain-store movement on independent wholesale and retail grocers. The underlying premise of the Voluntary-Group movement was that the independent segment could survive only if the services and know-how available to individual chain stores could be made available also to independent retailers.

Independent wholesalers modified methods of operation to offer some of those advantages to their customers even without establishing Voluntary Groups. First, wholesalers' prices to independent retailers were held at levels that permitted those retailers to compete with chains on the price basis. Second, wholesalers made and continue to make available to independent retailers certain services essential to effective retailing. Among those services are retail accounting, site analysis and engineering for new stores, insurance programs, market research, etc. Individual retailers are charged for such services when they elect to use them. Third, wholesalers responded to the chains' superior ability to deploy capital by helping otherwise qualified retailers to finance acquisition of good retail locations and by the purchase of fixtures for new or improved stores.

While these responses to the chain-store movement did not require formation of Voluntary Groups, there was another chain-store advantage that remnained. Namely, the common identification of retail stores in different locations enabled chains to spread advertising costs over the sales of a number of stores and to establish awareness and acceptance for their trade names more effectively than single store operators. Common store identification also enabled chains to develop private-label merchandise programs as a powerful competitive technique.

To respond to that chain-store advantage, some independent wholesalers sponsored Voluntary Groups permitting retailers for whom such common identification was competitively important to use a common name as a trade name for participating stores and in some cases as a trademark for private label merchandise. From the outset there were retailers who did not believe that such common identification would be advantageous to them. Individual retailers have always been free to join or not join the Voluntary Group. Wholesalers make equivalent services available to retailers that do not participate in their Voluntary Group as they make available to those in the group.

II. Factors That Have Ensured Fair Dealing Between Wholesalers and Retail Grocers in Voluntary Groups.

The chain-store competition in response to which Voluntary Groups developed remains vigorous and ensures that wholesale grocers will continue to work to help retailers remain as competitive as possible. The survival of the grocery wholesaler depends on the success of his customers. Retailers cannot remain successful in the long run unless they have available to them goods and services of the same quality at prices competitive with those available to chain stores. In short, survival of wholesale grocers has required efficient operation and very low profit margins on sales.

The low profits on which wholesale grocers operate (less than 1% on sales is common) mean that any substantial credit loss caused by the failure of a retail grocer is likely to have a material effect on that wholesaler's overall return on total sales. That effect is magnified greatly in those cases in which the wholesaler has exposure on a lease of in which the wholesaler has provided substantial long-term credit to the retailer or guaranteed his obligations. Such losses are not cushioned as in the

*National-American Wholesale Grocers' Association reply to: 51 Madison Avenue, New York, NY 10010—phone 212/532-8889, 1835 K Street, NW., Washington, DC 20006—phone 202/659-8870.

[1] The distinction between so-called formal franchising and the relationship which exists between the wholesaler and the affiliated retailers was recognized by the Federal Trade Commission in its promulgation of rule published in the December 21, 1978 issue of the **Federal Register** (43 FR 59614, et seq.). In footnote 61 at page 59074, the Commission stated "* * * while similar in many respects to franchising, the wholesaler-sponsored voluntary chains differ from franchising in that the retailers associate with the wholesaler voluntary chains are completely free to purchase services or goods from the wholesaler as they see fit."

[2] Through its many investigations into the wholesale grocery industry or through complaints brought to its attention by others, the FTC would be well aware of situations in which such abuses were alleged to exist. Petitioner has no knowledge nor is there any history of litigation either by franchisees or by government agencies in the Voluntary-Group movement of the grocery industry creating a record of abuse of the kind the Rule is intended to prevent. Such a record is notaable considering annual retail sales in independent grocery stroes and supermarkets amount to more than $60 billion.

case of franchises which produce substantial income from front-end fees. Indeed, the reverse is true. While franchisors tend to make profits from the start-up transactions of a franchise, wholesale grocers incur substantial costs when they take on a new customer. These include costs of market analysis; site development; engineering and design in connection with the building of a new store or the renovation of existing stores; rerouting of delivery patterns; shifting of warehouse capacity; training of retail personnel; and sometimes the addition of warehouse, office, and transportation personnel to handle new accounts. These costs are recovered over the long term through income derived principally in the normal course of business from profits on sales of grocery products and services. Wholesale grocers are, therefore, careful not to encourage inexperienced, undercapitalized people to own and operate supermarkets.

Traditionally, the failure rate of retail grocers in Voluntary Groups has been extremely low. Careful initial selection of retailers, the continuing competitive pressures to keep wholesalers' fees and markups low, and the constant effort to avoid credit losses account for such stability.

III. Distinctions Between the Grocery Wholesaler/Retailer Relationship and the Franchisor/Franchisee Relationship

1. *Trademark or Trade Name Identification.*

In the independent segment of the grocery business some retailers elect to use a common trade name and trademarks controlled by the wholesaler; others elect not to do so. If "Quality Market" were the Voluntary Group name, the customer's store might be called "Pryor's Quality Market" or "Richard's Quality Market." The retailer's independence is retained even in the name. In fact, there have been instances when independent retailers have moved back and forth from common to individual identification, depending on their analysis of prevailing market conditions. Retailers may operate one store in a Voluntary Group while, at the same time, operating other stores under other names.

2. *Initial Payments.*

Wholesale grocers do not require a typical front-end franchise fee as a condition of doing business with a retail grocer—whether or not that grocer elects to use the common trade name of the Voluntary Group.

A retail grocer evaluating a possible investment in a supermarket location might ask a wholesaler for a market analysis and/or site selection and assistance and/or engineering services in connection with the construction of a new building or the remodeling of an existing structure. He is not required, however, to purchase such services from the wholesaler. A wholesaler may, of course, require assurances that adequate market analysis and engineering have been done before assuming a contingent liability in connection with the financing of a site or building.

In many instances a retailer does not have the financial capability to acquire a site of fixtures without the participation of a wholesaler. Prime locations command the highest rents and allow the property owner to be selective in his choice of tenants. Much of that selectivity is based upon the financial stability of the prospective tenant. Because of the high rent demanded, the long term of the lease, and the large overhead involved in establishing a retail grocery store, many independent retailers are not in a position to provide the financial assurance demanded by the landlord. In those cases, the wholesaler may provide financial assistance and often the wholesaler himself becomes the prime tenant and sublets to an independent retailer. Rent for the location if wholesalers were restricted in their freedom to lease and sublet when a landlord is unwilling to lease to an individual retail grocer, many prime locations would be lost to chain stores.

Such arrangements with respect to financing of real estate or trade fixtures are never a condition of a wholesaler's willingness to sell to a retailer or to license the retailer to use a trade name. Such arrangements are as apt to be found in the relationship between a wholesaler and a retailer who does not use the common trade name as they are in the relationship between wholesalers and Voluntary Group members. Such assistance is only an accommodation given when necessary. Wholesalers try, to the extent possible, to avoid such financial commitments by encouraging the retailers to secure SBA or conventional financing.

Any initial inventory that a Voluntary Group or unaffiliated retailer may buy from a wholesaler is bought at normal, customary, bona fide wholesale prices. Quantities are not in excess of those that a reasonable businessman would normally purchase as a starting inventory or for the maintenance of an operating inventory. The realities of the supermarket business are such that problems of excessive inventories at retail simply do not exist.

3. *Other Fees.*

The relationship between wholesale grocer and Voluntary Group member or unaffiliated customers does not typically involve payment of substantial continuing fees like those characteristic of franchise relationships. The wholesaler's compensation is derived largely from charges for goods and services provided to retailers. Most wholesale grocers sell at formula cost plus a fee; the "fee" being the usual and customary markup for products sold in the ordinary course of business. In some cases, a nominal fee is also charged to the retailer; such fees are, however, *de minimum* in the context of total sales and often do not cover the costs of such services to wholesalers.

4. *Level of Sophistication of Retailer.*

The Voluntary-Group concept was not conceived and in its 50-year history has not operated as a scheme to draw inexperienced, unsophisticated individuals into the business of owning and operating supermarkets. In fact, just the opposite is true. Wholesale grocers consciously avoid initiating a relationship with a retail grocer who, because of inexperience, undercapitalization, or unsuitable location appears unlikely to operate successfully over the long run. Wholesaler income and survival are dependent on grocery store owner-operators who are competent, experienced, knowledgeable about their local market conditions, and capable of making their own management, operating, and marketing decisions. A major strength of the independent food distribution sector has been its respect for the need to respond to local marketing conditions and the understanding that all decisions concerning the operation of a supermarket cannot be made at some remote headquarters. The wholesaler offers to retailers specialized services that are available to chain stores but might not otherwise be available to independents. The extent to which a retailer will use such services will depend on the comparative quality and price of the services the wholsaler offers as well as the retailer's assessment of his need for them.

IV. The Burdens That Compliance With the Rule Would Impose on the Independent Retail and Wholesale Grocers

Compliance with the Rule would impose a substantial economic burden on wholesale grocers. Their gross margins are low, labor costs are high, and cost reduction and productivity improvement are survival imperatives. Accordingly, any incremental burden on independent grocery wholesalers

creates a competitive disadvantage when other distributors are exempt from the Rule. The wholesaler competes for the retailer's patronage with other wholesalers who may not be covered by the Rule and with retailer-owned cooperative wholesalers who are specifically exempt. Independent supermarkets are far less standardized than a typical fast-food or other franchise operation. Retailers serviced by a single wholesaler may range from large supermarkets to small corner markets and include stores in cities, suburbs, and rural areas. A single wholesaler may sponsor a number of different Voluntary Groups operating under different names. The same wholesaler may also service other independent retail stores that are not members of a Voluntary Group. Perhaps more important is the competitive imbalance that would result from one-way disclosure of privileged information. In franchise disclosures wholesalers would have to include trade secrets that could become available to competing chain stores, cooperative groups, and other wholesalers.

Competitively sensitive trade secrets might have to be disclosed by grocery wholesalers. For example, tens of thousands of dollars and years of time are spent by some wholesale grocers developing and perfecting elaborate, computerized, site-selection programs. Such site-selection programs are treated with extreme confidence. They are valuable assets that competitors, including large chain stores, have offered to pay substantial royalties to use. If the details of such programs were to be disclosed, it would be difficult to ensure that they would not fall eventually into the hands of competitors.

The burdens of compliance with the Rule which would be borne ultimately by wholesalers and retailers in Voluntary Groups and by unaffiliated independent grocery stores would be substantial and unwarranted in light of the historic absence of problems in the grocery-wholesaler/grocery-retailer relationship.

VI. Proposed Exemption

For the foregoing reasons, we respectfully request, pursuant to the provisions of section 18(g) 1 of the Federal Trade Commission Act, 15 U.S.C. 570, the following exemption from the Rule:

A relationship between a wholesale grocer and retail grocers wherein wholesale grocers that sell either to retail grocers licensed to use the trademarks and trade names associated with a Voluntary Group or to retail grocers not so licensed or both either of which may, on request, at a stipulated charge, receive from the wholesaler services such as assistance in site selection and analysis, store planning and engineering, equipment purchasing, financing, advertising, and retail accounting, so long as the wholesale grocer does not limit its willingness to license its trademarks or trade names to those retail grocers who take and pay for any such services or who pay the wholesale grocer any other fees in excess of $500 during the period from any time before to within six months after commencing operation of the retailer's business.

Respectfully submitted,
National-American Wholesale Grocers' Association.
Gerald E. Peck,
President.

Appendix C—Amendment to the Petition for Exemption From Trade Regulation Rule on Disclosure Requirements and Business Opportunity Ventures (16 CFR 436) Filed By National-American Wholesale Grocers' Association (NAWGA)

February 26, 1980.

This amendment to the petition for exemption from the requirements of the Federal Trade Commission's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" promulgated December 21, 1978, effective October 21, 1979 (16 CFR 436), is filed pursuant to the provisions of section 18(g)1 of the Federal Trade Commission Act, 15 U.S.C. 570.

This amendment supplements the petition for exemption submitted initially by the National-American Wholesale Grocers' Association ("NAWGA"), a national trade association, on behalf of its members who are independent wholesale grocers. This amendment provides an alternative description of the class of wholesale grocer for which the exemption is requested.

The class covered by this amended request is the following:

Wholesale grocers (1) who license the use of trade names or trademarks by, and who sell to retail grocery stores and (2) who solicit prospective retail licensees of such trademarks, or trade names when: (a) such licensees include at least one partner, or principal in the case of a corporation, or other person with a proprietary interest in the licensed business who has two or more years' experience as owner, manager, executive, retail field advisor, or supervisory employee of a grocery manufacturing or processing firm or of a retail or wholesale grocery business or (b) such a wholesale grocer makes available to such prospective licensee a program of at least 500 hours of training in the retail grocery business.

Background

The bases for NAWGA's initial request for an exemption remain unchanged. These are:

(1) Nothing in the traditional working relationship of grocery wholesalers with their grocery retail and food-service customers includes the abuses that the franchise disclosure rule is designed to prevent.

(2) The rule will work to the competitive disadvantage of the independent segment of the grocery industry because corporate chains and retailer-owned cooperative wholesalers are not covered by the rule and are not required to divulge publicly data heretofore considered confidential.

(3) In the grocery wholesaler relationship with customers, since the wholesaler typically assumes substantial financial risk, retail store operators, the wholesaler's customers, are required to be not only experienced but also of proven competence.

The rule will materially effect the costs and competitive position of small- and medium-sized independent wholesale grocery distribution companies relative to the food chains and the retailer-owned cooperative food distributors with which the independent firms compete. The rule could also increase the number of closings and mergers among such independent wholesale grocery distributors. The net effect of the rule could be, therefore, to reduce sharply the level of competition in the traditionally highly competitive food distribution marketplace.

Moreover, the rule is, in fact, entirely unnecessary for the protection of retailers sponsored by or operating under the trade mane of independent wholesale grocery distributors. In virtually every such instance, the wholesaler requires that the retailer be experienced in the grocery business. Independent grocery wholesalers seek out and sponsor only such experienced retail grocers. Independent wholesalers, because of their own substantial risk in such agreements, cannot afford to enter into agreements with individual retail grocery managers who do not have appropriate experience or proven skills in retail grocery management. Accordingly we request an exemption from the subject Franchise Disclosure Trade Regulation Rule for independent wholesale grocery distribution firms as defined above.

Respectfully submitted,

National-American Wholesale Grocers' Association.

Gerald E. Peck,

President.

Appendix D—Amendment to the Petition for Exemption From Trade Regulation Rule on Disclosure Requirements and Business Opportunity Ventures (16 CFR 436) Filed by National-American Wholesale Grocers' Association (NAWGA)

March 27, 1980.

This further amendment to the petition for exemption from the requirements of the Federal Trade Commission's Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" promulgated December 21, 1978, effective October 21, 1979 (16 CFR 436), is filed pursuant to the provisions of section 18 (g)1 of the Federal Trade Commission Act, 15 U.S.C. 570.

This amendment supplements the petitions for exemption submitted on October 21, 1979, and February 26, 1980, by the National-American Wholesale Grocers' Association ("NAWGA") on behalf of its member companies. This amendment provides an additional alternative description of the class of wholesale grocer for which the exemption is requested.

The class covered by this amended request is the following:

Wholesale grocers (1) who license the use of trade names or trademarks by retail grocery stores, (2) who sell to retail grocery stores, and (3) who solicit prospective retail licensees of such trademarks or trade names when: (a) such licensees include at least one partner, or principal in the case of a corporation, or other person with a proprietary interest in the licensed business who has three or more years' experience as owner, manager, executive, retail field advisor, or supervisory employee of a grocery manufacturing or processing firm or of a retail or wholesale grocery business or (b) such a wholesale grocer makes available to such prospective licensee a program of at least 500 hours of training in the retail grocery business.

Background

NAWGA's earlier requests for an exemption from the Rule were based on three central points. They are:

(1) There is no record of abuse by wholesalers of retailer licensees in the grocery industry.

(2) The Rule discriminates against independent wholesalers relative to corporate grocery chains and retailer-owned cooperatives.

(3) Potential for abuse in the grocery industry is minimal since grocery wholesalers require experience and competence of their retail store licensees.

In our earlier amended petition for exemption, submitted on February 26, 1980, we requested that wholesale grocers not be required to disclose to potential licensees with two or more years' experience in the business. We believe that such a level of experience is sufficient to assure adequate protection of retailers against any potential for abuse by wholesalers. We recognize, however, that the Federal Trade Commission may consider that a longer period of experience would provide better protection for retail grocers. In any event we do not believe that such a level of experience need be any greater than three years.

The opportunity, the incentive, and the record of abuse in the grocery industry do not support the application of the Franchise Disclosure Rule to independent grocery wholesalers.

Accordingly, we again request an exemption from the subject Franchise Disclosure Trade Regulation Rule for independent grocery distribution firms as defined above or as defined in our earlier petitions.

In presenting this and its earlier petitions to the FTC, NAWGA is authorized to represent its member compaines, some of which are covered by the Rule. A list of NAWGA member companies is attached as appendix A of this petition.

Respectfully submitted,

National-American Wholesale Grocers' Association.

Bernard L. Gladieux, Jr.

National-American Wholesale Grocers' Association

A. Giurlani & Bro, Inc.
A. Lipson, Inc.
Abner A. Wolf, Inc.
ACC Distributors
AFI Food Service Distributors
Alfred Dorman Co.
Alfred M. Lewis, Inc.
Allen Foods, Inc.
Alpena Wholesale Grocer Co.
American Products Co.
American Seaway Foods Inc.
American-Strevell Inc.
Anchor Fish & Seafood, Inc.
Annapolis Produce & Restaurant Supplies
Arkansas Institutional Foods
Arnold Institutional Foods, Inc.
Associated Food Distributors
Associated Grocers, New England
Associated Grocers of Colorado
Associated Grocers
Associated Grocers Ltd
Atlantic Institutional Supply Inc.
Avoyelles Wholesale Groc Co.
B. Green & Co. Inc.
Barber Grocery Co., Inc.
Bay City Milling & Grocer
Becker Food Co., Inc.
Bell's Wholesale Grocery Co.
Berry-Barnett Groc Co
Bevaco Food Service
Bi-Lo Wholesale
Big Sandy Wholesale Co.
Bisese & Console Inc.
Bozzuto's Inc.
Brenham Wholesale Groc Co
Brock & Spight Company
Brockton Wholesale Grocery Co.
Brookshire Bros., Inc.
Brown Produce Co., Inc.
C & C Wholesale Grocers
C & S Wholesale Grocers
C. B. Ragland Co.
C. D. Hartnett Co.
C. G. Gall & Company
C & R Foodservice, Inc.
Cardinal Foods, Inc.
Carpenter Cook Co.
Central Ohio Distributing Company
Certified Corporation
Certified Grocers of CA
CFS Continental Inc.
Charles C. Parks Co.
Charley Brothers Co.
Chattanooga Restaurant Supply
Chef's Pantry, Inc
Chris Hoerr & Son Co.
Church Point Whlse Groc Co.
City Provisioners Inc.
Coastal Food Service Inc.
Cole Bros Co., Inc.
Cole Bros & Fox Co.
Consolidated Companies
Consolidated Grocers Ltd
Cox & Rich Wholesale Co
Craig Distributing Co.
Creasey Co, Delaware
Cressey-Dockham & Co
Cross Company
Crosswell & Co Inc.
Cumberland Grocery Co., Inc.
Daffin Mercantile Co., Inc.
Dearborn Wholesale Grocers
Defiance Grocery Co
Dewitt Wholesale Grocery Inc.
Dexter Groc Co
Dierks Foods Inc.
Distribuco Inc.
E. Bierhaus & Sons Inc.
Economy Wholesale Groc Co
Eisner Food Stores
Elkhorn Valley Groc Co
Emporia Wholesale Coffee Co
Endsley's Inc.
Ettline Foods Corp
Fadler Co Inc
Fairway Foods Inc
Falk & White Inc.
Fleming Companies Inc.
Food Marketing Corp
Foster Food Products
Fox Industries
Fred W. Albrecht Groc Co
Gateway Foods Inc.
General Grocer Co.
General Trading Co Inc.
George D. Emerson Co
Giant Whlse Groc Corp
Glazier Foods Co
Godfrey Co Sentry Foods
Golden Dawn Foods Inc.
Gourmet Foods Inc
Grand Forks Grocery Co
Graves Company
Griffin Grocery Co.

Groce-Wearden Co
Grocers Supply Co
Grocers Supply Co
Grocery Supply Company
H. Edelstein Grocery Corp.
H. T. Hackney Co.
H. T. Hackney Co. TN
HWB Grocery Co Inc.
H Y Louie Co Ltd
Hale Bros Inc.
Hale-Halsell Company
Hannaford Bros Co.
Harold Stephens Co
Harvey Ragland Co Inc.
Hasson Wholesale Dist Inc.
Hattiesburg Grocery Co.
Hawkeye Wholesale Grocery
Henry Lee Company
Hickman Coward & Wattles
Higdon Grocery Co
Hiroya Co Ltd
Holiday Supply Corp
Holleb & Company
Hub City Food Inc
Hudon Et Deaudelin Ltee
Hudson-Thompson Inc.
Hulman & Co
IGA Canada Ltd
IGA Inc
Illinois Fruit & Produce
Imported Foods Corp
Independent Food Co
Independent Foods Corp
Institutional Wholesale Co
Interstate Food Service
International Spar Centrale NV
Ira Iligdon Grocery Co
Isis Foods Inc.
J. B. Gottstein Co Inc
J. L. Lester & Son
J. M. Jones Co
J. W. Wyatt & Co., Inc.
J. Winkler & Sons, Inc.
Jas. I. Pritchett & Son Inc.
Jefferson Wholesale Grocery
Jenkinson Grocer Co
Jennette Fruit & Produce
Jetro Cash & Carry
John J. Meier Co
Jones Wholesale Co, Inc.
Juniata Foods Inc.
KMC Co, Inc.
Kelly Douglas & Co Ltd
Kenney Farms, Inc.
King-Norman Inc.
Kinston Wholesale Grocery
Labatt Company
Laurel Grocery Co
Lawrence Foods Inc.
Lewis Bear Co, Inc.
Lewis Grocer Co
Liberty Cash Grocers
Litchfield Grocer Co
Louis Lehrman & Son Inc.
Lovelace-Farmer Co
Lumsden Bros Ltd
Luzo Foodservice Corp.
M & J R. Hakes, Inc
M. Egan Co Inc.
M. J. Kellner Co
M. Livingston Co., Inc.
M. O. Carroll Grocery Co.
Madison Grocery Co
Malone & Hyde Inc.
Maplevale Farms, Inc.
Mathias & Co Inc
Mattingly Foods, Inc
May Bros Company
Mc Lain Grocery Co
McLane Co, Inc.
McMahon Food Co, Inc.
Meadow Brook Meat Co
Menz Distributors, Inc.
Merchants Co
Merchants Distributors, Inc.
Merchants Grocery Co Inc.
Metro-Richelieu Inc.
Midstate Fruit Inc.
Miles Bradford Co
Miller & Hartman Inc.
Milliken Tomlinson Co.
Milo B. Butler & Sons Ltd
Milwaukee Cheese Co
Mitchell Grocery Corp.
Mohawk Valley Wholesale Grocers
N. Merberg & Son Inc.
Nacl-Abarrotes SA De Cv
Nash-Finch Co
New England Grocer Supply
Niagara Frontier Svcs Inc
Nicholson Fine Foods
Norman's Inc
Northern Ind Wholesale Groc Corp
Olewine's Inc
Ormond Wholesale Co
Oshawa Group Ltd
Ottawa Meat & Fish Ltd
P & C Food Markets Inc.
Paintsville Groc Co Inc
Parkview Markets Inc.
Perloff Brothers Inc
Peter J. Schmitt Co Inc
Piggly Wiggly Carolina
Piggly Wiggly Corp.
Piggly Wiggly N Car Co
Pillans & Smith Co
Pochahontas Foods USA
Pocono Supply Co
Pomco Inc
Potter-McCume Co
Prague Wholesale Co
Presley Company
PYA-Monarch Foodservice
Quinn Company
R. Gordon & Company
R. J. Mackoul Foods Inc
Ragland Bros Co
Rands Inc
Red Diamond Institutional Food
Red Owl Stores Inc.
Reeves Parvin & Co
Reidsville Grocery Co
Restaurant Food Supply
Ritchie Grocer Co
Robert Orr-Sisco Food Svce
Rogers Williams Foods
Rogers Foods Sales Inc.
Roundup Co
Roundy's Inc.
Rowton Wholesale Inc
Ruby Food Services Ltd
Russell Co
Ryans Inc.
S. C. Shannon Co
S. E. Lankford Jr. Prod Inc.
S. M. Flickinger Co., Inc.
Sambo's Restaurants Inc.
Sandler Foods
Scheidelman, Inc.
Schepps Grocery Co
Scot Lad Foods Inc
Scottsboro Wholesale Co
Scrivner Inc
Seaway Foodtown Inc.
Self Svce Wholesalers Pty
Shamrock Foods
Sky Bros Inc
Smyth's Food Svcs Inc.
Sol Loeb Company
Southern Michigan Grocery
Southern Wholesale Co
Spratt Grocery Co Inc.
Springfield Sugar & Prod
Standard Food Service Inc
Stephens Grocer Co
Sterling Grocery Co
Steward King & McKenzie
Strand Foods Ltd
Super Food Services Inc
Super Valu Stores Inc., Al.
Super Valu Stores Inc
Superior Tea & Coffee Co
Sweeney & Co Inc.
T. Dorman & Son Inc.
T. J. Morris Co
T R A Newfoundland
T T Todd Company
Tamarkin Co
Tenney Sales Inc.
Thomas & Howard Co, Salisbury
Thomas & Howard, Charlotte
Thomas & Howard, Asheville
Thomas & Howard, Columbia
Thoms-Proestler Co
Timberlake Grocery Co
Tippah Wholesale Co Inc.
Tom Boy Inc.
Total Foods Inc
Tripifoods Inc
Twin Ports Grocery Co
Tyler & Simpson Co
United Baking Co Inc
United Foods Inc
United Grocer Corp
United Grocers Ltd
Valley Wholesale Grocery
Viking Food Stores Inc.
W. L. Halsey Grocery Co
W. Lee Flowers & Co Inc.
W. W. Callif & Sons Co
Waples-Platter Cos
Watkins-Sydnor
Watson Institutiona Foods Co
Wawa Inc
Wayco Foods Corp
Wayne Wholesale Grocery Co
Wechsler Coffee Corp
Wegmans Food Services
West Coast Grocery Co
Western Grocers Inc.
Wetterau Incorporated
Wheeling Wholesale Groc Co
White Rose Food Corp.
Williams Bros Groc Co
Wm E. Davis & Son Inc
Woodhaven Foods DV ARA

[FR Doc. 81-4579 Filed 2-10-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[RM 79-76 (Colorado-11)]

Ceiling Prices; High Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on March 6, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

I. Background

On January 23, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Mancos "B" Formation located in Rio Blanco and Garfield Counties, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Mancos "B" Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located approximately 30 to 70 miles south of Rangely, Colorado, and approximately 50 to 70 miles northwest of Grand Junction, Colorado, in the Douglas Creek Arch area. The west side of the recommended area parallels the highway from Grand Junction to Rangely, Colorado. Total acreage is approximately 264,538 with 15.3 percent being fee and 84.7 percent federal acreage. The Mancos "B" is a member of the Mancos Shale Formation, occurring in the middle third of the sequence. It consists of thinly bedded and interlaminated, very fine-grained sandstone, siltstone, and shale and ranges from 400 to 700 feet in thickness. The depth to the top of the Mancos "B" Formation averages 3603 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Colorado Cause No. NG-15 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Mancos "B" Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North North Capitol Street, N.E., Washington, D.C. 20426, on or before March 6, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Colorado-11), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (32) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of

the jurisdictional agency that submitted the recommendation.

* * * * *

(17) through (31) [Reserve]

(32) *Mancos "B" Formation in Colorado.* (i) *Delineation of formation.* The Mancos "B" Formation is found in the Douglas Creek Arch area in Rio Blanco and Garfield Counties, Colorado. RM79-76 (Colorado-11)

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale of upper Cretaceous age, occurring in the approximate middle third of the Mancos sequence. The average depth to the top of the Mancos "B" Formation is 3603 feet.

[FR Doc. 81-4770 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Colorado-13)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced for tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on March 6, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

United States of America Federal Energy Regulatory Commission

High-Cost Gas Produced from Tight Formations; Docket No. RM79-76 (Colorado-13); Notice of Proposed Rulemaking by Director, OPPR.

(Issued February 4, 1981).

I. Background

On January 26, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Mancos "B" Formation located in Rio Blanco County, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Mancos "B" Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in Rio Blanco County, Colorado, approximately 70 miles northwest of Grand Junction, Colorado, on the northeast flank of the Douglas Creek Arch in the Piceance Basin. The area comprises 151,680 acres, of which 96.4 percent is Federal acreage, 3.5 percent is fee, and 0.1 percent is state. The Mancos "B" Formation is a member of the Mancos Shale Formation and usually occurs in the upper third of the sequence. It consists of thinly bedded and interlaminated, very fine-grained sandstone, siltstone, and shale and ranges from 400 to 700 feet in thickness. The recommended formation dips to the northeast at a rate of 500 to 600 feet per mile. The depth to the top of the formation ranges from 1500 to 8400 feet and averages 3500 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Colorado Cause No. NG-14 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more that five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Mancos "B" Formation, as described and delineated in Colorado's recommendation on file with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 6, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Colorado-13), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (35) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(17) through (34) [Reserved]

(35) *Mancos "B" Formation in Colorado.* RM79–76 (Colorado—13)

(i) *Delineation of formation.* The Mancos "B" Formation is located in Rio Blanco County, Colorado, approximately 70 miles northwest of Grand Junction, Colorado, on the northeast flank of the Douglas Creek Arch in the Piceance Creek Basin.

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale and occurs in the upper third of the Mancos sequence. The thickness of the Mancos "B" formation ranges from 400 to 700 feet. The depth to the top of the formation ranges from 1500 feet to 8400 feet and averages 3500 feet.

[FR Doc. 81–4771 Filed 2–10–81; 8:45 am]
BILLING CODE 6450–85–M

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18 CFR Part 271

[Docket No. RM79–76 (Colorado–10)]

High-Cost Gas Produced from Tight Formations, Colorado

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions that present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price. (18 CFR 271.703). The rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains a recommendation of the Colorado Oil and Gas Conservation Commission that the Morrow Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on March 6, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8559.

Issued February 4, 1981.

High-Cost Gas Produced from Tight Formations; Docket No. RM79–76 (Colorado–10); Notice of Proposed Rulemaking by Director, Oppr.

I. Background

On January 26, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Morrow Formation located in Kiowa County, Colorado be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Morrow Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation lies within Kiowa County, Colorado, on the southwest flank of the Las Animas Arch, approximately 24 miles north of the town of Lamar in southeastern Colorado. The recommended area comprises all of Township 18 South, Range 45 West, and contains approximately 231,040 acres, of which 6% is state land and 94% is fee. The average depth to the producing interval is 4500 feet. The Morrow Formation which averages 185 feet in thickness, is basically blanket shale formation in which lenticular sands of various composition and physical characteristics occur. These sandstones vary from 5 to 12 feet in thickness and are the source of gas production.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–16 convened by Colorado on this matter demonstrates that:

(1) The recommended formation exhibits low permeability characteristics, and the price established in § 271.703(a) is necessary to provide reasonable incentives for production of gas from the recommended formation.

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production form the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that typical casing design of wells drilled into the area protects any fresh water aquifers, as required by the rules and regulations of the Colorado Oil and Gas Conservation Commission.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Morrow Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public comment procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 6, 1981. Each person submitting a comment should

indicate that the comment is being submitted in Docket No. RM79-76 (Colorado—10), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new paragraph (31) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, as subindexed below, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(18) through (30) [Reserved]

(31) *The Morrow Formation in Colorado.* RM79-76 (Colorado—10).

(i) *Delineation of formation.* The Morrow Formation is found in Kiowa County, Colorado. It is located north of the town of Lamar in southeastern Colorado, and underlies all of Township 18 South, Range 45 West, 6th p.m.

(ii) *Depth.* The Morrow Formation is defined as that formation occurring at an average measured depth of 4500 feet.

[FR Doc. 81-4868 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Colorado—12)]

High-Cost Gas Produced from Tight Formations; Colorado

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas a high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit the the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado Oil and Gas Conservation Commission that the Cozzette and Corcoran Formations each be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on March 6, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

Issued: February 4, 1981.

High-cost gas produced from tight formations; Docket No. RM79-76 (Colorado—12); Notice of Proposed Rulemaking by director, OPPR.

Background

On January 26, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Cozzette and Corcoran Formations, located in Garfield County, Colorado, each be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Cozzette and Corcoran Formations each be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formations underlie a portion of Garfield County, Colorado. The area comprises approximately 50,886 acres, of which 84.2 percent is federal land and 15.8 percent is fee. The formations are located in the Piceance Creek Basin, approximately 12 miles southwest of the town of Glenwood Springs, Colorado. The Cozzette and Corcoran Sandstones are considered to be members of the lower Mesaverde Formation of Cretaceous age. The average depth to the top of the Cozzette Formation is 7477 feet, and it averages approximately 200 feet in thickness. The average depth to the top of the Corcoran Formation is 7677 feet, and it averages approximately 200 feet in thickness. The base of the Corcoran Formation is defined as the top of the Mancos Shale Formation.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Colorado Cause No. NG-17, convened by Colorado on this matter, demonstrates that:

(1) The average *in situ* gas permeability throughout the pay sections of the proposed areas is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formations, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of these formations

will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Cozzette and Corcoran Formations, as described and delineated in Colorado's recommendation as filed with the Commission, each be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 6, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RN79-76 (Colorado—12), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time request at the hearing. Requests should be filed with the Secretary of the Commission no later than February 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams

Director, Office of Pipeline and Producer Regulations.

Section 271.703(d) is amended by adding new subparagraphs (33) and (34) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(18) through (32) [Reserved]

(33) *Cozzette Formation in Colorado.* RM79-76 (Colorado—12)

(i) *Delineation of formation.* The Cozzette Formation is located in the Piceance Creek Basin in Garfield County, Colorado, approximately 12 miles southwest of the town of Glenwood Springs, Colorado.

(ii) *Depth.* The Cozzette Formation is a member of the lower Mesaverde Group. The average depth to the top of the Cozzette Formation is 7477 feet. Its base is defined as the top of the Corcoran Formation.

(34) *Corcoran Formation in Colorado* RM79-76 (Colorado—12)

(i) *Delineation of Formation.* The Corcoran Formation is located in the Piceance Creek Basin in Garfield County, Colorado, approximately 12 miles southwest of the town of Glenwood Springs, Colorado.

(ii) *Depth.* The Corcoran Formation is a member of the lower Mesaverde Group. The average depth to the top of the Corcoran Formation is 7677 feet. Its base is defined as the top of the Mancos Shale Formation.

[FR Doc. 81-4860 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 731 and 732

Procedures for State Programs; Public Hearing Cancellation

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Cancellation of public hearing.

SUMMARY: The Office of Surface Mining has cancelled the public hearing scheduled for February 12, 1981, on the proposed rules to amend 30 CFR Parts 731 and 732 to provide that a State which has not received approval of a State program by a final decision of the Secretary may resubmit a State program at any time after that decision rather than waiting until a Federal program is implemented, as presently required.

DATE: The public comment period on the proposed rules remains open until February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Art Abbs, State Program Manager, State Programs Division, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343-5361.

SUPPLEMENTARY INFORMATION: On January 22, 1981, the Department of the Interior published proposed rules to amend 30 CFR 731.12 and 732.14 to allow a State to submit a State program at any time following a final decision by the Secretary, rather than waiting until a Federal program is implemented.

A public hearing on the proposed rules was scheduled for February 12, 1981, contingent upon one or more persons expressing to OSM by February 2, 1981, an interest in participating (*see* 46 FR 6997). As of the close of business February 2, 1981, no person had expressed such an interest. Accordingly, the public hearing is cancelled.

Dated: February 5, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-4755 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1750-4]

Approval and Promulgation of Implementation Plans; Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Nevada State and Clark and Washoe County Air Quality rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the State of Nevada for the purpose of revising the State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before April 13, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air

Programs Branch, SIP Section (A–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Nevada State Agency, Department of Conservation and Natural Resources, 201 S. Fall Street, Carson City, NV 89710;

Clark County Health District, Air Pollution Control Division, 625 Shadow Lane, Las Vegas, NV 89106;

Washoe County District Health Department, Wells Avenue at Ninth, Reno, NV 89520;

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, SIP Section, Air Programs Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105 (415) 556–2938.

SUPPLEMENTARY INFORMATION: The State of Nevada submitted to EPA the following revised rules and regulations on the indicated dates for incorporation into the SIP.

State of Nevada

December 29, 1978

1.44 Continuous Monitoring System (definition)
1.53 Director (definition)
1.60 Effective Date (definition)
1.98.1 Single Chamber Incinerator (definition)
2.2.2 No title (Circumvention)
2.11.7 No title (Variances)
2.17.3.2 a/b No title (Monitoring Requirements)
2.17.4 Do.
2.17.4.1 Do.
2.17.9.8 Do.
2.17.10 Do.
2.17.10.1 Do.
3.1.1 No title (Registration Certificates and Operating Permits)
3.1.2 Do.
3.1.3 Do.
3.4.11 Do.
4.3.[6]4 No title (Visible Emissions from Stationary Sources)
5.2.4 No title (Open Burning)
c.3 No title (Incinerator Burning)
7.1.[3]2 No title (Particulate Matter—Fuel Burning Equipment)
7.3.3 No title (Particulate Matter—Fugitive Dusts)
8.2.1.1/8.2.1.2 No title (Sulfur Emissions—Fuel Burning Equipment)
8.2.2 Do
12.1 No title (Ambient Air Quality Standards)

June 24, 1980

4.3.6 No title (Visible Emissions from Stationary Sources)

Clark County

September 18,1979

1.79 Significant Source of Total Chlorides
1.94 Total Chlorides
11.1 No title (Ambient Air Quality Standards)
11.1.1 Sulfur Oxides as Sulfur Dioxide
11.1.2 Suspended Particulate Matter
11.1.3 Carbon Monoxide
11.1.4 Ozone
11.1.5 Non-methane Hydrocarbons
11.1.6 Nitrogen Dioxide
11.1.7 Lead
11.1.8 Chloride
11.2 (11.2, 11.2.1, 11.2.2, 11.2.3) No title (Ambient Air Quality Standards)
11.3 (11.3, 11.3.1, 11.3.2) Measurement Methods
11.4 No title (Ambient Air Quality Standards)
13.5 No title (Open Burning) (Deletion)

July 24, 1979

2.1 No title (Air Pollution Control Board)
2.2 Do.
2.3 Do.
3.1 No title (Air Pollution Control Committee)
4.1 No title (Control Officer)
4.2 Do.
4.3 Do.
4.4 Do.
4.5 Do.
4.6 Do.
4.7 Do.
4.8 Do.
4.9 Do.
4.10 Do.
4.11 Do.
5.1 No title (Interference with Control Officer)
6.1 No title (Injunctive Relief)
7.1 No title (Hearing Board)
7.2 Do.
7.3 Do.
7.4 Do.
7.5 Do.
7.6 Do.
7.7 Do.
7.8 Do.
7.9 Do.
7.10 No title (Hearing Board)
7.11 Do.
7.12 Do.
7.13 Do.
7.14 Requests for Variances
7.15 Renewals of Variance
7.16 Duration of Variance
7.17 No title (Hearing Board)
7.18 Do.
7.19 Do.
8.1 No title (Persons Liable for Penalties-Punishment: Defense)
8.2 Do.
8.7 No title (Registration and Operating Permits) (Deletion)
9.1 No title (Administrative Fines)
9.2 Do.
9.3 Do.

Section 10 Compliance Schedule

16.1 No title (Operating Permits)
16.2 Do.
16.3 Do.
16.4 Do.
16.5 Do.
16.6 No title (Emission of Visible Air Contaminants) (Deletion)
16.6 No title (Operating Permits)
16.7 Do.
16.8 Do.
16.9 No title (Operating Permits)
17.1 No title (Permission to Disturb Topsoil)
17.2 Exceptions
17.3 Permit Applications
17.4 No title (Permission to Disturb Topsoil)
17.5 Conditions of Permit
17.6 Revocation of Permit
17.7 Processing Permit Applications
17.8 Information
18.1 Fuel Burning Equipment
18.2 No title (Registration/Permit Fees)
18.3 Do.
18.4 Do.
18.5 Do.
18.6 Permit to Disturb Topsoil
18.7, 18.8, 18.9, 18.10, 18.11, and 18.12 No title (Registration/Permit Fees)
23.1 General Provisions
23.2 Monitoring Requirements
23.3 No title (Continuous Monitoring by Fossil Fuel-Fired Steam Generators)
23.4 Reporting Requirements
23.5 Data Reduction
24.1 No title (Sampling and Testing-Records and Reports)
24.2 Do.
24.3 Do.
24.4 No title (Sampling and Testing-Records and Reports)
24.5 Do.
25.1 No title (Upset, Breakdown or Scheduled Maintenance)
25.2 Reporting
25.4 No title (Administrative Fines) (Deletion)
26.1 No title (Emission of Visible Air Contaminants)
26.2 Do.
26.3 Do.
27.1 and 27.2 No title (Particulate Matter From Process Matter)
27.3 No title (Particulate Matter From Process Matter)
27.4 Do.
28.1 General Provisions
28.2 Emission Limitations

Section 29 Sulfur Contents of Fuel Oil

30.1 No title (Incinerators)
30.2 Do.
30.3 Do.
30.4 Do.
30.5 Do.
30.6 Do.
30.7 Do.
30.8 Do.
31 Reduction of Emission of Sulfur from Primary Non-ferrous Smelters
32.1 No title (Reduction of Animal Matter)
32.2 Do.
40.1 Prohibitions of Nuisance Conditions
41.1 Prohibitions (Fugitive Dust)
41.2 Off-Road Vehicle and Motorcross Racing
41.3 Correction of Condition
41.4 Remedial Action
41.5 Costs

42.1 No title (Open Burning)
42.2 Do.
42.3 Do.
42.4 Do.
43.1 Odors in the Ambient Air
70.1 No title (Emergency Procedures)
70.2 Do.
70.3 Do.
70.4 Do.
70.5 Do.
70.6 Do.
80 Circumvention
81 Provisions of Regulations Severable

November 11, 1980

4.12 (4.12, 4.12.1, 4.12.2, 4.12.3) Public Notification

Washoe County

July 24, 1979

010.115 Mobile Equipment (definition—Deletion)
020.055 Confidential Information
030.300 Fee and Fee Schedule
030.305 Plan Review Fees
030.310 Permit to Operate; Schedule of Fees
030.3101 Fuel Burning Equipment
030.3102 Incinerators
030.3103 Storage Tanks
030.3104 Processes
030.3105 Hazardous Materials Processes
030.3107 No title (Transfer of Permit to Operate)
030.3108 No title (Permit to Operate Replacement Fee)
050.005 Original Equipment (Deletion)
050.010 Equipment Violation (Deletion)
050.015 Visible Emission—Gasoline Powered Equipment (Deletion)
050.020 Visible Emissions—Diesel Powered Equipment Below 5000 Foot Elevation (Deletion)
050.025 Visible Emissions—Diesel Powered Equipment Above 5000 Foot Elevation (Deletion)
050.030 Visible Emissions—Mobile Equipment Used Exclusively Upon Stationary Rails Below 5000 Foot Elevation (Deletion)
050.035 Visible Emissions—Mobile Equipment Used Exclusively Upon Stationary Rails Above 5000 Foot Elevation (Deletion)

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as SIP revisions. The rules have been evaluated and found in accordance with EPA Policy and 40 CFR Part 51, with certain exceptions.

It is the purpose of this notice to propose to approve all the rule revisions listed above and to incorporate them into the Nevada SIP, with the exception of the rules discussed below.

For Clark County Rule 25.1 submitted on July 24, 1979 and the previously approved Rule 12 submitted on January 19, 1973 are proposed to be disapproved. Rules 1 and 25.1 both titled "Upset, Breakdown or Scheduled Maintenance" do not consider any period of excess emissions a violation and do not provide adequate assurance for the attainment and maintenance of the NAAQS during equipment breakdown periods. These provisions are inconsistent with EPA policy.

Rule 30.8, which concerns incinerators, contains typographical errors which weaken the enforceability of the rule. Rule 41.5, "Costs" fails to state how the costs incurred by the County to remedy fugitive dust problems is to be paid. Upon submittal of corrected Rules 30.8 and 41.5, EPA would approve the rules.

Table 27.1, which provides process weight rates and the associated allowable particulate emissions, contains three changes which increase allowable emissions. However these changes appear to be the result of a clerical error. Upon submittal of a corrected table 27.1, absent the increased allowable emissions, EPA would approve the rule.

Rule 1.79 "Significant Source of Total Chlorides" and Rule 1.94 "Total Chlorides", Rule 40.1 "Prohibitions of Nuisance Conditions", Rule 42.2 which covers nuisance caused by open burning and Rule 43.1 "Odors in the Ambient Air" are not appropriate for inclusion in the SIP, since they are not specifically directed at the attainment or maintenance of the NAAQS. Thus EPA is taking no action on these rules.

EPA is approving Rule 2.2 which makes reference to Nevada Revised Statute (NRS) 445.526. Rule 2.2 is consistent with parts of § 128 of the Clean Air Act. However, it should be noted that this rule does not meet all the requirements of section 128 with regard to composition of the hearing board and the annual disclosure provisions.

Nevada Rule 4.3.4 provides a new exemption from the opacity standard for "Visible Emissions from Stationary Sources." Rule 4.3.6 provides a new exemption from "Visible Emission Standards" for boiler lancing or soot blowing fired by fossil fuel or wood. These new exemptions are proposed to be disapproved since a control strategy demonstration has not been submitted to show that the exemptions will not interfere with the attainment and maintenance of the NAAQS.

In Washoe County no action is being taken for Rule 030.3105 "Hazardous Materials Processes" submitted on July 24, 1979, because this rule is not specifically directed at the attainment and maintenance of the NAAQS.

For Clark County changes to Rules 7.7–7.19 concerning variance are proposed to be approved. While EPA is approving these changes, each variance must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before April 13, 1981, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA has determined that this action is "specialized" and therefore, not subject to the procedural requirements of Executive Order 12044.

Pursuant to the Provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. These action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationships, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: January 30, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 81-4834 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-43 and 101-47

Definition of Related Personal Property

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to clarify the definition of related personal property to reflect the concern of the Congress that the reporting of personal property and related personal property be carried out

under appropriate classifications and under respective personal and real property laws and regulations.

DATE: Comments must be received on or before: April 13, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (DR), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (703-557-2510).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Accordingly, it is proposed to amend 41 CFR Parts 101-43 and 47 as follows:

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

1. Section 101-43.001-16 is revised to read as follows:

§ 101-43.001-16 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.1—General Provisions

2. Section 101-47.103-13 is revised to read as follows:

§ 101-47.103-13 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

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

Dated: February 2, 1981.

Roy Markon,

Commissioner, Federal Property Resources Service.

[FR Doc. 81-4773 Filed 2-10-81; 8:45 am]

BILLING CODE 6820-96-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-739]

Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry; Extension of Comment and Reply Comments Period.

SUMMARY: The FCC has extended the deadline for Comments and Reply Comments in the Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, due to concern that inadequate time was available. The item was released during the holiday season and, therefore, was not readily available to the public for several days after its release.

DATES: The deadline for Comments has been extended to February 13, 1981, and the deadline for Reply Comments has been extended to March 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Fred L. Thomas, Office of Science and Technology, (202) 653-8171.

In the matter of Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, General Docket 80-739 (45 FR 3060).

Order Extending Time for Comments and Reply Comments

Adopted: January 28, 1981.

Released: January 29, 1981.

1. The Commission has before it motions for extension of time in this proceeding. Motions were filed by Offshore Navigation, Inc. and the National Black Media Coalition. Other parties have also informally expressed an interest in an extension of time.

2. In view of the fact that the *First Notice of Inquiry* (FCC 80-695, 28526) was released during the holiday season and was not readily available to the general public for several days after its release, the Commission believes that an extension of time for the filing of Comments and Reply Comments to this First Notice would be in the public interest. It should be noted by all parties interested in this proceeding that this is only the first of a series of Notices and time is of the essence if Commission action is to be completed at a date consistent with the effective date of the Final Acts, 1 January 1982. It will be very difficult for the Commission to grant further extensions of time for this Notice or for the future Notices in this proceeding.

3. Therefore, it is ordered, that the date for filing Comments is extended to and including February 13, 1981 and the date for filing Reply Comments is extended to and including March 16, 1981.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d), and 303 of the Commission's Act of 1934, as amended, and § 0.241 of the Commission's rules.

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-4894 Filed 2-10-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-90; RM-2587; RM-3226 RM-3367); BC Docket No. 80-130]

Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments; Amendment of Policies and Procedures for Amending the FM Table of Assignments § 73.202(b) of the Commission's Rules; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: The time for filing reply comments in the matter of "Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments," BC Docket 80-90, and "Amendment of Policies and Procedures for Amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules", BC Docket 80-130 is extended to March 2, 1981, at the

request of American Broadcasting Companies upon a showing of good cause.

DATE: Reply comments must be filed on or before March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kathryn Hosford, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: November 28, 1980.

Released: December 5, 1980.

By the Chief, Policy and Rules Division:

In the matter of modification of FM broadcast station rules to increase the availability of commercial FM broadcast assignments, BC Docket No. 80-90: RM-2587, RM3226, RM-3367; amendmant of policies and procedures for amending the FM Table of Assignments, §73.202(b) of the Commission's Rules, BC Docket No. 80-130.

1. American Broadcasting Companies, Inc. ("ABC"), has submitted a request that the date for filing reply comments be extended 90 days from its present deadline of December 1, 1980. The National Association of Broadcasters ("NAB") filed comments in support of the ABC request.

2. ABC states that they are now involved in a number of proceedings before the Commission in addition to those contained in the caption of this document. They mention the Advisory Committee on Radio Broadcasting, the AM 9 kHz channel spacing proceeding (BC Docket 79-164), the VHF drop-in proceeding (BC Docket 80-499), the low power TV rule making (BC Docket 78-253), the AM stereo proceeding (Docket 21313), and the AM standard antenna pattern proceeding (Docket 21473). They state that these proceedings have placed substantial demands on its engineering staff.

3. In reviewing the comments filed in response to BC Dockets 80-90 and 80-130, several were found which require thorough review and analysis before reply comments can be filed. In addition, they note the comments of NTIA (the National Telecommunications and Information Administration) not only are complex but were initially incompletely filed. Correct filings were not submitted until more than two weeks after the comment deadline. As a result of the complexity of the other ongoing proceedings in which ABC is participating and the complexity of comments filed in response to the above captioned proceedings, additional time is requested in which to file reply comments.

4. Supporting comments filed by NAB echo those filed by ABC.

5. We find merit to ABC's request for extension of time in these proceedings. Furthermore, we do not believe the public interest will be adversely affected by extending the time for filing comments given the complexity of these proceedings as well as the highly technical nature of the issues involved.

6. Accordingly, it is ordered, That the date for the filing of reply comments is extended to and including March 2, 1981.

7. This action is taken pursuant to authority contained in Sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-4892 Filed 2-10-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 81-1; RM-3365; FCC 81-2]

Geographic Reallocation of Certain Channels in the Detroit Area to the Business Radio Service

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This Notice of Proposed Rule Making proposes to amend §§ 90.75 and 90.555 of the Commission's Rules to make available on a shared basis five pairs of frequencies in the 450-470 MHz band for use by eligibles in the Business Radio Service within 35 miles of Detroit. It also propose to make available two pairs of frequencies presently assigned on an itinerant basis in the Business Radio Service for regular permanent area base station use in Detroit. This rule making is proposed because the National Association of Business and Educational Radio, Inc., has petitioned the Commission to make more frequencies available in the Detroit area. It's intended effect is to provide a small measure of relief to the Business Radio Service in Detroit.

DATES: Comments by March 9, 1981. Reply comments by March 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Emmet Haines Pritchard or Larry Reed, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: January 8, 1981.

Released: January 26, 1981.

By the Commission: Chairman Ferris absent.

In the Matter of Amendment of § 90.555(b) of the Commission's Rules to provide for geographic reallocation of certain channels in the Detroit area to the Business Radio Service, PR Docket No. 81.1; RM-3365; FCC 81-2.

Summary

In this Notice of Proposed Rulemaking, we propose to amend §§ 90.75 and 90.555 of the Commission's Rules, 47 CFR 90.75 and 90.555, to make available on a shared basis four pairs of frequencies in the 450-470 MHz band for use by eligibles in the Business Radio Service within 35 miles of Detroit. We also propose to make available two pairs of frequencies presently assigned on an itinerant basis in the Business Radio Service for regular permanent area base station use in Detroit.

1. The National Association of Business and Educational Radio, Inc. (NABER) has petitioned for amendment of Part 90 of the Commission's Rules to provide for geographic reallocation of certain "unused" channels in the Detroit, Michigan area. As proposed, these channels would be reallocated from several private land mobile radio services to the Business Radio Service.[1] [2]

2. In support of its arguments for reallocation of these frequencies, NABER emphasizes that available Business Radio Service frequencies in the Detroit area are heavily used, and that although Detroit is the fourth largest metropolitan area in the United States it has not benefitted from the geographic sharing of UHF-TV channels in the band 470-512 MHz,[3] or from the reallocation of spectrum in the 806-890 MHz band from television to land mobile users [4] because of the proximity of this city to Canada.[5] NABER states that the Land Mobile Spectrum Utilization study of Detroit shows

[1] The petition (RM-3365) was submitted on April 4, 1979.

[2] The use of these channels was measured by the Commission during a spectrum monitoring study conducted in the Detroit area during the period September 10-29, 1977. The study was made available to the public in August of 1978. In that study, land mobile frequencies were monitored with automated equipment to determine the degree of channel utilization. A number of frequencies were found to exhibit "Zero Usage" [little or no use] during the monitoring period. "Zero Usage" frequencies in the range 150-470 MHz are the subject of the petition. See "Land Mobile Spectrum Utilization—Detroit, Michigan," FCC Report No. SSB/SMD 78-01, August 1978, (NTIS No. PB284523).

[3] *Report and Order, Docket 16261,* 30 FCC 2d 221 (1971).

[4] *Second Report and Order, Docket 16262,* 46 FCC 2d 752 (May 1, 1974).

[5] The International Table of Allocations designates the band 470-890 MHz exclusively for television, and no agreement has been reached with Canada for use of frequencies in the band by land mobile services along the border areas.

frequencies in the Business Radio Service are more intensively used than those in other radio services, and that the Commission's report identifies frequencies in other services which, on the basis of monitoring, are not being used and which, if available, would benefit Business Radio Service eligibles. The NABER petition therefore seeks reallocation to the Business Radio Service of all channels in the bands 150–174 and 450–470 MHz that have both zero measured use and no licensees authorized to use them in the Detroit area.

Comments

3. Comments in reply to the petition were filed by the Associated Public Safety Communications Officers, Inc. (APCO), the Utilities Telecommunications Council (UTC), and Forest Industries Telecommunications (FIT). Generally those who commented were opposed to the total reallocation of all "unused" channels in the Detroit area to the Business Service. FIT for example, while opposing reallocation, indicated its willingness to work out frequency sharing arrangements with other coordinated services having similar priority needs. UTC endorsed NABER's concept of geographic reallocation of unused frequencies, but opposed total reallocation of all of these frequencies to the Business Service. Instead, UTC recommended a more flexible approach which would assign "zero-loaded" frequencies into four pools encompassing: (1) Railroads, utilities and urban mass transit systems, (2) public service agencies including Special Emergency eligibles, (3) industrial services (except Business) and land transportation services (except railroads), and (4) the Business Service. UTC also suggested, in order to provide for long-range planning requirements and to avoid interference to co-channel and adjacent channel users, that the coordinating group for the service in which a "zero-loaded" frequency is now allocated retain the frequency coordination responsibility. APCO strongly opposes reallocation of any Public Safety or Special Emergency frequencies to the Business Radio Service. APCO also questioned the findings of the monitoring study and indicated that many of the "zero occupancy" frequencies were licensed for public safety uses in the Detroit area.

Discussion and Proposal

4. In the Detroit monitoring study in 1977, the Commission obtained data on 1338 base-mobile channels from 25 MHz to 470 MHz. The NABER petition requests reallocation of those "unused" channels in the range 150–470 MHz. When we monitored the frequencies in this range in 1977, our measurements indicated little or no use on 76 frequencies (40 in the 150–174 MHz band and 36 in the 450–470 MHz band). As of 1980, however, our studies indicate only 4 frequencies currently have no base station assignments within 75 miles of Detroit.[6] [7] These 4 frequencies, all in the 450–470 MHz band, are as follows: a) Two Industrial Pool pairs—451.525/456.525 and 451.675/456.675 MHz and b) Two pairs shared by the Petroleum and Forest Products Radio Services—451.550/456.550 and 451.700/456.700 MHz. NABER's petition, therefore, cannot be granted as requested, because there are currently few "unused" channels in 150–470 MHz range. Further, to the extent that NABER's petition requests reallocation of public safety channels to the Business Radio Service, we are not granting this request because we are currently undertaking an examination of the alternatives in allocating spectrum and assigning frequencies in the various private radio services on a differentiated basis for public safety and non-public safety users. We believe it is not appropriate, at this time, therefore, to embark on a regulatory approach which would permit the use of public safety channels by users eligible in non-public safety radio services.

5. After considering NABER's petition and the comments submitted we are proposing to provide a small measure of relief to the Business Radio Service in Detroit by amending §§ 90.75 and 90.555 of the rules to make these unassigned frequencies available on a shared basis for permanent area operations within 35 miles of Detroit. Additionally, since two itinerant use Business channels also appear to be unused in this band (464.500/469.500 and 464.550/469.550 MHz) we are also proposing to make these two frequency pairs available to Business eligibles for regular permanent area base station use in the same area. Our proposal does not involve geographic reallocation, as proposed by NABER, but rather, geographic sharing as supported by the comments. Further, our proposal does not involve sharing with eligibles in the Public Safety or Special Emergency Radio Services. We have limited the area of coverage to 35 miles because we want to give relief to Detroit and the immediate urban area.[8]

6. Accordingly, we are proposing to make available on a shared basis with the Business Radio Service within 35 miles of Detroit 2 pairs of industrial pool frequencies and 2 pairs of frequencies shared by the Petroleum and Forest Products Radio Services. As UTC and FIT suggested this use would be coordinated with the other services which have access to the frequencies. We also are proposing to reassign 2 pairs of unused Business frequencies from itinerant to permanent use. The NABER petition, therefore, is granted to that extent, and denied in all other respects.

7. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex*

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[6] In the 150–174 MHz band, our records currently show that of the 40 channels found to be unoccupied in 1977, only 26 currently have no base stations assigned within 75 miles of Detroit. Eight (8) of the 26 unassigned channels are Forestry-Conservative channels in the 170–173 MHz range which cannot be made available for sharing because they are primarily allocated for U.S. government operations. (In fact, five (5) of the eight channels are not available, under § 90.25(c)(10) of our rules, for assignment to Forestry-Conservation eligibles in the Detroit area). The remaining 18 unassigned frequencies are allocated to the Automobile Emergency and Forestry-Conservation Radio Services. The rules governing the assignment of frequencies in this band, however, require if a station is assigned in one of these services on a channel 15 kHz removed, then an adjacent channel station may not be assigned within 10 miles of the first station. These frequencies generally are not feasible therefore for sharing with the Business Radio service. See § 90.173 of our rules.

[7] In the band 450–470 MHz, the Detroit study measured 36 channels with no activity. Currently, however, only 12 of these have no base stations assigned within 75 miles of Detroit. Two of these unassigned frequencies are allocated to the Business Service—for itinerant operations where no permanent base station sites are permitted. OF the remaining 10 channels, one is a Railroad slave locomotive control channel assigned for mobile purposes, one is assigned to the Southeastern Michigan Gas Co., and four are assigned to the Michigan State Police Portable Emergency Communications System also for mobile purposes. These frequencies are exclusively assigned to their respective radio services and the nature of their operations generally would be incompatible with sharing because of requirements for strict channel discipline. This leaves two channels which are allocated for sharing to five industrial services as pool frequencies which remain unassigned for base or mobile purposes and two channels in the Petroleum and Forest Products Radio Services which also remain unassigned for base or mobile purposes.

[8] International coordination with Canada is of course required prior to actual use of these frequencies.

parte presentationmust serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation: on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

8. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before March 9, 1981, and reply comments on or before March 27, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the report and Order.

9. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

10. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rulemaking proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

11. For further information, contact Emmett Haines Pritchard or Larry Reed, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632-6497.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

It is proposed that 47 CFR Part 90 be amended as follows:

1. In § 90.63(d), limitation (15) is revised, to read as follows:

§ 90.63 Power Radio Service.

* * * * *

(d) * * *

* * * * *

(15) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and, within 35 miles of (56 km.) Detroit, Business Radio Services. It may be assigned only when all of the frequencies in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km (35 mi.) of the proposed based station. Applications for this frequency must be coordinated with all six services.

* * * * *

2. § 90.65(c), limitations (10) and (28) are revised to read as follows:

§ 90.65 Petroleum Radio Service.

* * * * *

(c) * * *

* * * * *

(10) This frequency is shared with the Forest Products Radio Service and within 35 miles (56 km) of Detroit, the Business Radio Service.

* * * * *

(28) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and, within 35 miles (56 km) of Detroit, the Business Radio Services. It may be assigned only when all of the frequencies in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed based station. Applications for this frequency must be coordinated with all six services.

* * * * *

3. In § 90.67(c), limitations (2) and (18) are revised to read as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(c) * * *

* * * * *

(2) This frequency is shared with the Forest Products Radio Service and within 35 miles (56 km.) of Detroit, the Business Radio Service.

* * * * *

(18) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and, within 35 miles (56 km.) of Detroit, the Business Radio Services. It may be assigned only when all of the frequencies in the 450-470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station. Application for this frequency must be coordinated with all six services.

* * * * *

4. Section 90.75(b), which contains the Business Radio Service Frequency Table, is amended to add in sequence the following frequencies:

§ 90.75 Business Radio Service.

* * * * *

(b) * * *

* * * * *

451.525	do	41
451.550	do	42
451.675	do	41
451.700	do	42
456.252	do	41
456.550	do	42
456.675	do	41
456.700	do	42

5. In § 90.75(c), limitation (3) is revised and new limitations (41) and (42) are added to read as follows:

§ 90.75 Business Radio Service.

* * * * *

(c) * * *

* * * * *

(3) This frequency will be assigned only to stations used in itinerant operations, except that within 35 miles (56 km.) of Detroit, this frequency may be used for permanent area operation.

* * * * *

(41) This frequency is available for assignment only within 35 miles (56 km.) of Detroit and is shared with the Power Radio Service, Petroleum Radio Service, Forest Products Radio Service, Telephone Maintenance Radio Service, and Manufacturers Radio Service. Applications for this frequency must be coordinated with all six services.

(42) This frequency is available for assignment only within 35 miles (56 km.) of Detroit and is shared with the Petroleum Radio Service and Forest

Products Radio Service and use should be coordinated with these services.

* * * * *

6. In § 90.79(d), limitation (13) is revised to read as follows:

§ 90.79 Manufacturers Radio Service.

* * * * *

(d) * * *

* * * * *

(13) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and, within 35 miles (56 km.) of Detroit, the Business Radio Services. It may be assigned only when all of the frequencies in the 450–470 MHz band allocated to the service in which the applicant is primarily eligible are assigned within 56 km. (35 mi.) of the proposed base station. Applications for this frequency must be coordinated with all six services.

7. In § 90.81(d), limitation (4) is revised to read as follows:

§ 90.81 Telephone Maintenance Radio Service.

* * * * *

(d) * * *

* * * * *

(4) This frequency is available on a shared basis in the Power, Petroleum, Forest Products, Manufacturers, Telephone Maintenance, and, within 35 miles of Detroit, the Business Radio Services. Except for assignments made to non-wireline radiocommunications common carriers authorized in the Point-to-Point Microwave Radio Service under Part 21, it may be assigned only when all of the base and mobile frequencies in the 450-470 MHz band for which the applicant is primarily eligible are assigned within 35 miles (56 km.) of the proposed base station. Applications for this frequency must be coordinated with all six services.

* * * * *

8. Section 90.55(b), which contains the combined frequency list, is amended by adding "IB," which means Business Radio Service, to certain enumerated frequencies. The amendment in sequence reads as follows:

§ 90.555 Combined Frequency Listing.

* * * * *

(b) * * *

* * * * *

451.525	IF, IP, IT, IW, IX, IB.
451.550	IP, IF, IB.
* * * * *	
451.675	IF, IP, IT, IW, IX, IB.
451.700	IP, IF, IB.
* * * * *	
456.525	IF, IP, IT, IW, IX, IB.
456.550	IP, IF, IB.
* * * * *	
456.675	IF, IP, IT, IW, IX, IB.
456.700	IP, IF, IB.

* * * * *

[FR Doc. 81-4893 Filed 2-10-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 28
Wednesday, February 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes National Forest Grazing Advisory Board; Notice of Meeting

February 3, 1981.

The Deschutes National Forest Grazing Advisory Board will meet at 10 a.m. on April 10, 1981 at the Forest Supervisor's office, 211 N.E. Revere, Bend, Oregon 97701. The purpose of this meeting is:

1. Review Deschutes National Forest Range Management Program for 1981.
2. Review priorities for range analysis/plans for range improvement construction for fiscal year 1982–1983.
3. Review status of Forest Land and Resource Management Plan.
4. Open discussion of topics of interest to the Advisory Board.

The meeting will be open to the public. Persons who wish to attend should contact Will Griffin, 211 N.E. Revere, Bend, Oregon 97701, phone 382–6922.

Dated: January 30, 1981.

David Mohla,

Forest Supervisor.

[FR Doc. 81-4759 Filed 2-10-81; 8:45 am]

BILLING CODE 3410-11-M

Ochoco National Forest Grazing Advisory Board; Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., April 17, 1981, in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to discuss subjects concerning the development of allotment management plans and utilization of range betterment funds as presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone (503) 447–6247. Written statements may be filed with the committee before or after the meeting.

James A. Saurbier,

Acting Forest Supervisor.

February 3, 1981.

[FR Doc. 81-4764 Filed 2-10-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39174]

Guy-America Airways, Inc.; Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 26, 1981, at 9:30 a.m. (local time), in Room 1003, Hearing Room "B", North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 6, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-4830 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket EAS–521; Order 81–2–8]

Proposals To Provide Essential Air Service to Glens Falls, N.Y.; Order Designating Carrier

By Order 80–5–22, dated May 2, 1980, the Essential Air Services Division of the Bureau of Domestic Aviation requested applications from interested carriers to serve Glens Falls, New York. Applicants could request subsidy, if necessary. On March 4, 1980, the Bureau had issued Order 80–3–19 which defined Glens Falls' essential air transportation requirements.[1] Since the community was without air service, this proceeding was instituted to secure a carrier to provide the community's essential air service.[2]

Two carriers, Air Vectors and Courtesy Air Service, submitted proposals and requests for subsidy in response to our request. Air Vectors proposes to operate Piper Chieftain aircraft to Newark with an intermediate stop at Poughkeepsie. The carrier requests first-year subsidy of $221,085 and a second-year subsidy of $207,405.

Courtesy proposes to provide one daily nonstop round trip flight, five days a week, between Glens Falls and LaGuardia with 8-seat Piper Navajo Chieftain aircraft. It requests a first-year subsidy rate of $95,777 and a second-year subsidy rate of $71,859.

We have examined the Glens Falls service proposals submitted by Air Vectors and Courtesy and have decided to select Courtesy's. We find Courtesy's proposal is clearly superior in subsidy need and community support. None of the other factors we have addressed—experience, route linearity, and service patterns—weighs significantly in favor of either carrier.

Community Views

Glens Falls was without scheduled air service from July 1977 to April 1979 when Courtesy inaugurated one daily round trip to LaGuardia.[3] Traffic response to its service was modest. Courtesy averaged approximately three enplanements per departure and was forced to suspend its service in

[1] By that Order the Bureau found that essential air transportation for Glens Falls consists of at least one daily round trip on the weekdays to Albany or New York. Eight seats are required to be provided daily in each direction; nonstop or one-stop operations are permitted to New York, nonstop service is required if Albany is the hub to be served. Flights must be timed for the convenience of passengers originating at Glens Falls. Service must be operated with twin-engine aircraft, two pilots and unimpeded cabin entry through airstair doors or similar type access.

[2] In a letter dated April 17, Warren County filed an appeal of the EAS determination requesting that we guarantee nonstop service to New York as essential. In the interests of expediting the solicitation of carrier applications, it withdrew its appeal in a letter dated April 21. It stated that it would support carrier applications which proposed to serve New York on a nonstop basis. We note that Glens Falls' essential air service determination is reviewable under section 325.6 of our Essential Air Service Procedures within one year of the commencement of subsidized service in the community.

[3] In 1975, Air North instituted multi-frequency service between Glens Falls and Albany, as part of a commuter replacement experiment conducted in conjunction with the *Service to Glens Falls Case*, Docket 29627. At the time of the replacement, the Board permitted Allegeny Airlines to suspend service at the community on the condition that Air North, then an Allegeny Commuter, provide reliable replacement service. The results of the experiment were disappointing—Air North generated an average of four enplanements per day, or about one enplanement per departure. By Order 77–5–32, Allegeny was permitted to suspend its residual certificate obligations at the point, and Air North subsequently ceased its Glens Falls operations in July 1977.

December 1979, due principally to a ground-related accident involving its Piper Chieftain aircraft. Glens Falls has indicated a strong desire that the service initiated by Courtesy be reinstated. The Community is aware that it would be assured two round trips under Air Vectors' proposal and only one round trip under Courtesy's. However, it prefers nonstop service over one-stop operations because the former offers a reduction in total flight time, the prospect of an intermediate stop is perceived to have a significant effect on passenger acceptance; and Poughkeepsie (the intermediate stop on Air Vectors' proposed flights) is not a community of interest for air service for Glens Falls.[4] Courtesy, therefore, has the advantage of community support.

Compensation

Section 419(a)(4) directs us to consider subsidy proposals when we determine that essential air transportation cannot be provided without subsidy. The essential air service system established by Congress is not a low bid system; the subsidy needed for each proposal is one of several factors we consider in our determination.

In this case, the amounts of subsidy requested by the applicants, as determined in informal rate conferences with our staff, are significantly different and have major decisional importance. Air Vectors requests $221,085 for the first year of service and $207,405 for the second year. Courtesy's requested rate of compensation is $95,777 for the first year of operation and $71,859 for the second year. Courtesy's proposed rate is lower, in part, because its service pattern entails one daily roundtrip rather than two, and fewer subsidy-eligible aircraft miles[5]; the carrier is based at the community which enables it to eliminate aircraft positioning costs; and its forecast enplanements per departure, based on its actual experience, are higher than Air Vectors.

Other Issues

Air Vectors proposes to operate two round trips while Courtesy proposes only one. Nevertheless, Courtesy's proposal offers comparable benefits to the community because its schedules are better timed for the convenience of the passenger originating at Glens Falls and its flights are operated on a nonstop basis.[6] Using Courtesy's schedules, a Glens Falls originating passenger would be able to conduct business in New York and return conveniently on the same day.[7] While Air Vectors' proposal is attractive from the perspective of generating traffic from the New York area and of offering two round trips, in most instances the reinstitution of air service at a point will develop more traffic if the service is timed for the convenience of passengers originating at the small community.

The statute directs us to consider two specific factors in deciding among competing applications for subsidy:

> (i) the desirability of developing an intergrated linear route system if air transportation whenever such a system most adequately meets the air transportation needs of the communities involved; (ii) the experience of the applicant in providing scheduled air service in the vicinity of the communities for which essential air transportation is proposed to be provided
> * * *[8]

Air Vectors proposes to link two cities on a linear routing by serving Poughkeepsie as an intermediate point. However, since its service to Poughkeepsie is not required under section 419 of the Act and the advantage of a linear routing for Glens Falls passengers is negligible, the linearity of this routing is thus diminished as a factor in carrier selection.

Experience in the vicinity does not significantly favor either applicant. On the one hand, Air Vectors is currently providing scheduled commuter service and Courtesy is not. Air Vectors is still a relatively new carrier, having commenced scheduled operations in 1978.[9] On the other hand, Courtesy has been a fixed based operator at Glens Falls since 1967 and has had actual experience in providing commuter service at Glens Falls. Therefore, it is quite familiar with the logistics of operating the service.

Backup Aircraft

Courtesy's Backup aircraft is a two-engine, four passenger Piper Apache. This aircraft does not fully meet our essential air service equipment standards because it does not enable unimpeded cabin entry through airstair doors or similar type access. We have decided to accept Courtesty's proposed use of this aircraft for backup capability rather than require it to obtain an additional aircraft that meets our equipment standards.

In previous cases, some applicants occasionally have been uncertain as to their backup aircraft responsibilities.[10] We will will explain our policy on this matter as it applies to this case. The percentage of flights completed by Courtesy when it operated its Glens Falls service in 1979 was 98.2 percent. At that rate, Glens Falls' projected cancellation rate is a mere nine flights per year based on 520 scheduled annual flights. We would normally expect some cancellations due to poor weather conditions rather than to maintenance problems with the Chieftain aircraft. Given excellent reliability of Courtesy's primary aircraft, a rigid application of the unimpeded entry requirement to its backup equipment would be overly burdensome. Furthermore, we have previously stated that we are unwilling to authorize subsidy support for the alternative, *i.e.*, the costly acquisition of additional equipment for the sole purpose of providing occasional backup service.

We included the requirement in our Guidelines for Individual Determinations of Essential Air Transportation for passenger acceptance reasons, not operational reliability.[11] While the attractiveness to the traveling public of being able to board small aircraft with relative ease is important to the quality of small community air service, the infrequent

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[4] In response to a letter from the Bureau which requested community views on the two proposals, the community reaffirmed its support for Courtesy's proposed service pattern in a letter to us dated August 5, 1980, and signed by Mr. Fred Austin, the Superintendent of Public Works, on behalf of Warren County.

[5] Air Vectors' stop at Poughkeepsie necessitates the second flight because of seats preempted by local Poughkeepsie-New York passengers. On the other hand, there is virtually no local traffic on the longer segment—Glens Falls-Poughkeepsie—to offset the costs of the second flight over that segment.

[6] Courtesty: LaGuardia arrival 8:45 A.M.; LaGuardia departure 5:15 P.M. Air Vectors: Newark arrivals 12:20 P.M. and 9:20 P.M.; Newark departures 9:30 A.M. and 6:30 P.M. The essential air service requirements for Glens Falls stressed the need for well-timed schedules for the *originating* Glens Falls' passengers.

[7] We have checked with the FAA on the feasibility of Courtesy operating nonstop service between Glens Falls and New York with full passenger loads. Our essential air service requirements state that eight seats per day must be made available in each direction in the Glens Falls markets. Using two-pilot operations, the maximum passenger capacity of Piper Chieftain aircraft is eight passengers. In a letter to us dated November 15, 1980, Air Vectors alleged that it would not be possible to operate a Chieftain at a 100% load factor and still be in compliance with FAA regulations. The analysis of the FAA indicates that, based on a representative routing, Courtesty's Piper Chieftain has the capability of operating nonstop service to New York with full passenger loads and meeting that Agency's requirements of carrying a sufficient fuel reserve. A summary of the FAA's analysis is available in the docket.

[8] Section 419(a)(4)(A) of the Act.

[9] Air Vectors currently provides scheduled service at Newburgh, Poughkeepsie and Binghamton, New York and Washington, D.C.

[10] See Order 80-11-106, involving replacement service at Kirksville, Missouri, where we indicated our willingness to permit the infrequent use of single-engine operations in certain backup situations, a finding that was unanticipated by the applicant in the case when it formulated its proposal.

[11] See PS-87, Part 398, for a discussion of the essential air service equipment standards.

use of aircraft without these features in a backup capacity should have little or no effect detrimental to the overall success of the essential air service. In situations where the primary aircraft is out of service for an extended period, such as for major structural repairs, we expect the carrier to obtain a substitute aircraft which fully meets the essential air service guidelines. However, we will permit Courtesy to rely on the Apache aircraft as routine backup for Glens Falls service.

Fitness and Reliability

Under section 419(c)(2) of the Act, we must determine that a commuter is fit, willing and able to provide service and that its aircraft are safe before we may pay compensation to it to provide essential air service. We also require a high standard of reliability to assure that the service will be usable and that communities will have a constant quality of service to afford them access to their communities of interest and to the national air transportation system. Courtesy has been in business as a fixed base operator at Glens Falls since 1967. It is involved in a variety of activities, including multi-engine charters, major structural repair work for Piper and Beech aircraft and more recently for Cessna aircraft; it is an FAA certificated repair station, and, for a period during 1979, performed commuter air service. Courtesy is wholly-owned subsidiary of Torrington Construction Company, Inc., which has local offices in Torrington, Connecticut, and in eight points in New York State, including Glens Falls. Torrington's principal business is general contracting. Courtesy is registered with the Board as a part 298 carrier and has insurance in amounts required by our rules. We have verified through the Federal Aviation Administration that Courtesy holds a current Air Taxi/Commercial Operator Certificate issued by that agency. The FAA reports that Courtesy is in compliance with the applicable safety regulations and that it knows of no reason why we cannot rely on the carrier for essential air service at Glens Falls. Our Bureau of Carrier Accounts and Audits recently completed an audit of Courtesy which indicates that the company is financially stable. Members of our Office of Community and Congressional Relations and the Bureau of Domestic Aviation recently concluded an on-site operational inspection of the carrier and concluded that its organization remains intact and its history of service has been professional and reliable.

Based on these observations, we find that Courtesy is fit, willing, and able and operationally reliable to provide essential air transportation at Glens Falls on a continuing basis and that the FAA has certified that Courtesy's aircraft conform to its safety standards.

Essential Air Service Review

We are required by section 419(a)(2)(C) of the Act to review essential air service determinations periodically and, after consultations with community and state officials, make appropriate adjustments to the determinations. Under our regulations, we are required to start a review of the essential air service level for a point receiving subsidy at the end of one year.[12] We therefore will begin our review of Glens Falls determination towards the end of the year of subsidized service.

Glens Falls had no scheduled air service for several months in 1977. Section 419(f)(1) of the Act states that a minimum guarantee of essential air service shall be two round trips, five days a week, or the level of scheduled service in effect for calendar year 1977, whichever is less. Therefore, Glens Falls is one of the few communities in the essential air service program for which we may define guaranteed service as zero.[13] However, we have guaranteed the community service and will compensate a carrier to provide service at Glens Falls for at least a one-year period.[14] If we find at the conclusion of our periodic review that traffic at Glens Falls is such that the costs of providing it outweigh the passenger benefits, we will discuss with the community the possibility of relying on service at the nearby hub of Albany to meet its air service needs.

Accordingly,

1. We select Courtesy Air Service, Inc., to provide essential air transportation at Glens Falls, New York;

2. We find that Courtesy Air Service, Inc., is fit, willing and able to provide air transportation to Glens Falls, New York, and that based on information supplied by the FAA, the equipment to be used meets the FAA's current safety standards;

3. We order Courtesy Air Service, Inc., to show cause within 10 calendar days from the date of service of this order why we should not set the final rate of compensation for the provision of essential air transportation at Glens Falls, New York, as follows:

For each calendar month in which essential service miles are flown, an amount determined by multiplying the appropriate rate stated below either by the scheduled essential service miles flown during the month or the daily base miles, whichever is lower, times the number of days in the month:

Annual period	Rate per mile	Daily base miles
1st year	[1] 1.08504	338.2
2d year	[1] 0.81406	338.2

[1] Annual compensation ($95,777 and $71,859, respectively) divided by completed annual aircraft miles (88,270.2) at 95 percent completion factor

4. The compensation level derived in paragraph 3 shall be adjusted in accordance with the formula set forth in Appendix B;

5. In the event the adjusted compensation for any calendar month as determined in accordance with paragraph 4 exceeds the amount determined in accordance with paragraph 3, a lump-sum payment of the difference shall be added to the next scheduled monthly payment;

6. In the event adjusted compensation for any calendar month as determined in accordance with paragraph 4 is less than the amount determined in accordance with paragraph 3, the full amount of the difference shall be deducted from the next scheduled monthly payment; if such scheduled payment is less than the difference, the carrier shall make a lum-sum restitution of the remainder within 30 days; however, in exceptional circumstances an alternative repayment schedule may be approved by the Board's Comptroller;

7. All further procedural steps will be deemed to have been waived if no timely objections are filed and this order shall become final 10 calendar days from the date of service of this order;

8. We will serve a copy of this order on Air Vectors; Courtesy Air Service; Command Airways; the Warren County Department of Public Works; the Mayor of Glens Falls; the New York State Department of Transportation; Senators Daniel Patrick Moynihan and Alfonse D'Amato; and Representative Gerald Solomon; and

9. We will publish this order in the **Federal Register.**

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[12] Section 325.6 of our Procedural Regulations.

[13] For a discussion of this point also see Order 80-11-71, dated November 13, 1980, involving Hazleton, Pennsylvania. We have defined essential air service for five points not receiving scheduled service in 1977 as service at a nearby airport. These points are Lakeland, Florida (Order 79-11-38), Teterboro, New Jersey (Order 79-10-135), Rockville Center, New York (Order 80-3-19), Stamford, Connecticut (Order 79-10-134), and Albany/Corvallis, Oregon (Order 80-9-15).

[14] If after our review, we decide not to modify the essential air service guarantee, we will compensate Courtesy at the second year rate derived in paragraph 3 of this order.

Note. All Members concurred except Member Bailey who dissented and filed the attached dissenting statement.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Appendix A.—*Courtesy Air Service Inc.; Calculation of Compensation for Essential Services at Glens Falls, N.Y.*

	First year	Second year
Direct Expense:		
Crew	$33,298	$33,298
Fuel	34,148	38,236
Oil	432	432
Maintenance	40,497	40,497
Depreciation	20,377	20,377
Fuel Insurance	5,512	5,512
Total	134,264	138,352
Indirect expense	54,944	54,944
Total operating expense	189,208	193,296
Return	24,708	24,871
Total revenue required	213,916	218,167
Revenue	118,139	146,308
Compensation required	95,777	71,859

Appendix B—Courtesy Air Service, Inc.; Fuel Adjustment for Glens Falls

The fuel cost targets per revenue block hour are $54.38 the first year and $60.89 the second year. Should the actual cost per revenue block hour deviate from these targets, the amounts determined in Appendix A will be increased or decreased by 85 percent of the difference times the number of revenue block hours flown.

Appendix C—Courtesy Air Service, Inc.; Monthly Report for Glens Falls, New York Essential Air Service

Gallons of Fuel Consumed _____

Revenue Block Hours:

Scheduled _____

Operated _____

Fuel Expense _____

Bailey, Member, Dissenting

I dissent from the decision authorizing the payment of Federal subsidy for the provision of air service at Glens Falls for a one year test period. I do so because I believe it is a disservice to the taxpayers and the general public that their government pay for air service at a community which by almost any objective criterion simply does not need it.

Two reliable commuters, Air North and Courtesy Air Service, have recently tried, without success, to develop a self-sufficient pattern of service at Glens Falls. The majority evidently feels that a third attempt will have a different outcome; but, in my view, at an unjustified cost to the taxpayers and the general public.

The facts are that Glens Falls is located only 45 miles by interstate highway from a medium hub airport, Albany; that the Albany-New York market currently receives jet service from Braniff and Eastern consisting of 8½ round trips daily and commuter service with Short's and Beech 99's from Command and Mall of 11 daily round trips; that the one-way coach fare between Albany and New York is $62 and the limousine fare between the Albany airport and a passenger's home or business in Glens Falls is $32, for a total cost of transportation between Glens Falls and New York of $94; that Courtesy's proposed one-way fare for its single daily round trip between Glens Falls and New York is $77 (the commuter's pricing policy is to set its fare at $15 above the current coach fare offered in the Albany-New York market); and that the subsidy need per passenger is *$66* for the first year of Glens Falls service, for a total cost of transportation, as borne by the passenger and the government, of $143 ($77 + $66). Given that the Act permits us to define Glens Falls' essential air service requirements as zero and that a much less expensive and perfectly acceptable alternative exists, the need for the government to subsidize air service at Glens Falls is anything but essential.

In these times of economic stagnation and severe budgetary pressures, an extravagance of this sort is something that we, as a society, can no longer afford. Moreover, by subsidizing this service, the majority of the Board is aggravating the congestion problems at LaGuardia, a slot controlled facility, so that six passengers per day can have well-timed service during peak hours to one of the nation's busiest facilities for air transportation, and the majority also is diluting the available traffic pool at Albany.

Surely, the public interest would be better served if we let the marketplace decide whether a commuter serves Glens Falls or if Albany is used as an access point to the national air transportation system for the Glens Falls community.

Elizabeth E. Bailey.

[FR Doc. 81-4631 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

Notice of Application for an All-Cargo Air Service Certificate

January 30, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39154, from International Air Cargo, Inc. P.O. Box 523118, Miami, Florida 33152 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before March 4, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4709 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36244]

Carrier Selection Case for Columbus, Hastings, Kearney and McCook, Nebr.; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding will be held before the Board on Wednesday, February 18, 1981, at 1:30 p.m. (eastern standard time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each party that wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before February 13, 1981, together with the name of the person who will represent it at the argument.

Phyllis T. Kaylor,

Secretary.

February 6, 1981.

[FR Doc. 81-4839 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-2-20, Docket Nos. 32484, 38782, Amdt. Four to Order 79-10-51]

Order Establishing the Subsidy Rate for Five Local Service Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 81-2-20, Docket Nos. 32484, 38782 Amendment Four to Order 79-10-51.

SUMMARY: The Board has adopted the maximum subsidy rates due and payable to the five local service carriers for the period July 1, 1980, through December 31, 1980. Under the provisions of Class Rate IX, semi-annual reviews are conducted to determine adjustments to the base period subsidy rates as set in Order 79-10-51. The adjustments in this order are based on operating results for the year ended March 31, 1980. The annual subsidy level effective July 1, 1980, for the entire class is $81.0 million. This includes an upward median percentage change of 57.31 percent applied to the base period net formula provisions and service incentive payments of eligible carriers, and a reduction of the industry's Federal tax allowance by $.2 million. Due to service suspensions during the rate period, the maximum annual subsidy rate declined to $75.2 million by December 31, 1980.

The order also addresses Republic Airlines' petition for modification of the Class Rate.

DATES: Parties must file exceptions and supporting rationale within 7 days of the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5368.

The complete text of Order 81-2-20 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-4840 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39102]

Eastern Air Lines, Inc.; Notice of Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., February 4, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-4838 Filed 2-10-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by P. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on March 5 and 6, 1981, at 9:00 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the March 5 meeting, which will adjourn at 5:30 p.m., is: (1) introductory remarks by the Acting Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interest; (2) update on 1980 census operations and legal issues; (3) results of methodological research in the Current Population Survey; (4) computerized industry and product coding for the 1982 economic censuses; (5) reselection of an area sample for the monthly trade surveys; and (6) Committee meeting to develop recomendations.

The agenda for the March 6 meeting, which will adjourn at 12:30 p.m., is: (1) evaluation of the National Science Foundation/American Statistical Association/Bureau of the Census Research Fellowship Program; (2) Committee discussion of recommendations; (3) status of the Computer-Assisted Telephone Interviewing (CATI) Project at the Bureau of the Census; (4) Committee and Census Bureau staff discussion on (a) Bureau responses to prior Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (5) recommendations, plans, and suggested agenda items for the next meeting.

The meeting will be open to the public, and a brief period will be set aside on March 6 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5350.

Dated: February 6, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-4744 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-07-M

Maritime Administration

Bath Iron Works Corp.; Notice of Award of Construction-Differential Subsidy Contract

Notice is hereby given that on January 19, 1981, the Maritime Subsidy Board awarded construction-differential subsidy Contract No. MA/MSB-500 to Bath Iron Works Corporation and Contract No. MA/MSB-501 to Falcon World Shipping Corporation to aid in the construction of two 34,000 deadweight tons product tankers, MA Design T6-M-136a. The applications for such contracts were noticed in the **Federal Register** on September 10, 1980 (45 FR 59608).

Date: February 4, 1981.

So ordered by the Maritime Subsidy Board/Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-4707 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-15-M

National Steel and Shipbuilding Co.; Notice of Award of Construction-Differential Subsidy Contracts

Notice is hereby given that on December 16, 1980, the Maritime Subsidy Board awarded construction-differential subsidy Contract Nos. MA/MSB-491, 494 and 497 to National Steel and Shipbuilding Company, Contract No. MA/MSB-492 to Northwest Shipping Corp., Contract No. MA/MSB-495 to Yeon Shipping Corp. and Contract No. MA/MSB-498 to Apex Marine Corp. to aid in the retrofit of a total of three (one each) tank vessels of 89,700 deadweight tons, MA Design TB-S-100b, to comply with the requirements of the Port and Tanker Safety Act, 1978. The applications for such contracts were noticed in the **Federal Register** on January 31, 1980 (45 FR 6982).

Dated: February 5, 1981.

So ordered by the Maritime Subsidy Board/Maritime Administration.

Robert J. Patton, Jr.

Secretary.

[FR Doc. 81-4706 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration Caribbean Fishery Management Council; Meeting Agenda Amendment

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The agenda for the Caribbean Fishery Management Council's public meeting on February 17-19, 1981

(published in the **Federal Register**, January 27, 1981 (46 FR 8638), has been amended as follows:

In addition to the public meeting agenda previously published, the Council will also convene a public session to discuss administrative matters (budget, personnel, etc.), at approximately 9:00 a.m., and adjourn at approximately noon, on Tuesday, February 17, 1981. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108—Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: February 5, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–4818 Filed 2–10–81; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee which will meet to discuss the Bluefish Fishery Management Plan as well as other fishery matters.

DATES: The meeting, which is open to the public, will convene on Wednesday, April 1, 1981, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: 302–674–2331.

Dated: February 6, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–4819 Filed 2–10–81; 8:45 am]

BILLING CODE 3510–22–M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: (a) Name: Southwest Fisheries Center (P77V). (b) Address: P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research/Scientific Purposes.

3. Name and Number of Animals: Hawaiian Monk Seals (*Monachus schaunislandi*), 15.

4. Type of Take: Five pups to be captured, maintained, tagged, and released, and up to 10 to be captured, measured, tagged and released.

5. Location of Activity: Kure Atoll, Hawaiian Islands.

6. Period of Activity: March 1981.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 4, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81–4820 Filed 2–10–81; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Public Telecommunications Services Program; Application Announcement for Grants

The Satellite Applications Program of the National Telecommunications and Information Administration (NTIA) announces that it is seeking applications for Fiscal Year 1981 under its *Public Telecommunications Services (PTS) Program.* It is anticipated that approximately 1 million dollars will be awarded in the form of competitive grants. Through this program, now in its second year, NTIA intends to augment the activities begun in FY 1980. These grants will provide financial assistance to organizations which will aggregate public service users and procure for them affordable telecommunications services, especially via satellite. FY 1980 grant award winners are eligible to reapply and, if first year milestones have been reached, will have priority in the FY 1981 competition.

NTIA derives authority for this grant activity from the Administration's 1978 National Civil Space Policy (Presidential Directive 42). In PD 42, NTIA was instructed: "to formulate policy, to assist in market aggregation, technology transfer, and possible development of domestic and international public satellite services. The policy direction is intended to stimulate the aggregation of the public service market."

Proposals are solicited from *non-Federal entities that are:*

(1) Public or private non-profit organizations;

(2) For-profit telecommunications brokers or resalers;

(3) Established common carriers, or their wholly-owned subsidiaries.

Grant proposals will be reviewed by a panel drawn primarily from Federal agencies represented in the Interagency Committe on Satellite Telecommunications Applications. Multiple awards may be granted.

The closing date for applications is April 10, 1981. Questions concerning the application process or requests for application kits should be directed to: Susan Irwin, Grants Program Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, 608 13th St. NW., Washington, D.C. 20004, (202) 724-3464.

(11.551 Public Telecommunications Services Catalog of Federal Domestic Assistance)

John J. O'Neill,

Acting Associate Administrator, Office of Telecommunications Applications and Grants Officer, National Telecommunications and Information Administration.

[FR Doc. 81-4735 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Public Law 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on January 22, 1981, that the service of the members of the groups known as Quartermaster Corps Female Clerical Employees Serving with the American Expeditionary Forces and Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Wake Island During the Period of World War II be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration.

In addition, the Secretary also determined on January 22, 1981, that the service of the members of the following groups not be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration: Geiger Sub Depot Office Employees During World War II; Contract Technical Services Personnel; Civilian Employees, Pacific Naval Air Bases, Stationed on Wake Island at the Outbreak of World War II; Communications Experts in Korea, 1950-1951; Pan American Airways Employees (Pacific Division); and Quartermaster Corps Female Clerical Employees in World War I.

For further information contact: Staff Sergeant Stephen J. Koegle, USAF, telephone: 694-5380, Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-4757 Filed 2-10-81; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 3, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Non-Nuclear Armament will meet on March 5 and 6, 1981 from 9:00 a.m. to 5:00 p.m. at the Pentagon, Washington, D.C.

The Committee will receive classified briefings and participate in classified discussions relating to the Air Force Non-Nuclear Armament Development, Production and Use. The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-4756 Filed 2-10-81; 8:45 am]

BILLING CODE 3910-01-M

Defense Investigative Service

Privacy Act of 1974; Amendment to System of Records

AGENCY: Defense Investigative Service.

ACTION: Amendment to System of Records.

SUMMARY: The Defense Investigative Service proposes to add to its Civilian Personnel Management Information System, information concerning the race and ethnic background of its employees as required by the Federal Personnel Manual (chapter 713) and Federal Personnel Manual Letter 298-10. Also the retention schedule for this system will be amended. The system notice is set forth in its entirety below.

DATES: The amended system shall become effective March 13, 1981.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Michael C. Newman, Chief of Systems Requirements Office, Defense Investigative Service; 1900 Half St., S.W.; Washington, DC 20324; telephone (202) 693-7521.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service systems of records as prescribed by the Privacy Act of 1974, Title 5 U.S.C. Section 552a (Pub. L. 93-579) were published in the **Federal Register** at: FR Doc. 81-897 (46 FR 6845) January 21, 1981 and FR Doc. 8-86 (46 FR 996) January 5, 1981.

Dated: February 6, 1981.

M. S. Healy,

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

Changes

V4-06

System name:

V4-06 Civilian Personnel Management Information System (CPMIS).

Changes to V4-06:

System location:

Delete "(D0830)" from line 1.

Categories of records in the system:

Delete entire sentence and substitute the following:

"Records consisting of identification and employment data, special qualifications, racial and ethnic identification and other information found in the Official Personnel Record."

Authority for maintenance of the system:

Add at the end:

"Federal Personnel Manual (Chapter 713)";

"Federal Personnel Manual Letter 298-10".

Uses:

Delete first and second lines and substitute the following:

"OPM, DoD and internal reports on employment characteristics of civilian employees. For statistical computations submitted to OPM."

Users:

Delete entirely and substitute the following "Personnel Specialists, clerks and EEO program officials.

DIS OPM managers and supervisors with a need to know."

Retrievability:

Add at the end: ", or race, ethnic background."

Retention and disposal:

At the end delete 90 days and substitute 1 year.

Record access procedures:

Delete "(D0154)" from line 6.

Record source categories:

At the end add ", and the individual concerned."

V4-06

SYSTEM NAME:

V4-06 Civilian Personnel Management Information System (CPMIS)

SYSTEM LOCATION:

Primary System—Information Services Division, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 21203. Decentralized Segments—Civilian Personnel Division and various Defense Investigative Services (DIS) Headquarters elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Defense Investigative Service (DIS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consisting of identification and employment data, special qualifications, racial and ethnic identification and other information found in the Official Personnel Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code; Section 301 (Agency Regulations); Section 1302 (Regulations); Section 2951 (Reports to the Commission); Section 4118 (Training); Section 4308 (Performance Rating); Section 4506 (Incentive Awards); Sections 5113, 5115, and 5338 (Classification); Section 6311 (Leave); Sections 8334(f), 8342(b), 8343(a), and 8347 (Retirement); Section 8716 (Life Insurance); Section 8913 (Health Insurance); Civil Service Rules, Sections 7.2, 5.1, 5.2 and 5.3; Executive Order 10561, September 13, 1954; Executive Order 9830, Section 01.2 (e) and (f), February 24, 1947 as amended; Executive Order 10800, Section 2(d), January 15, 1959; Executive Order 10988, Section 14, January 17, 1962; Executive Order 11222, Section 405, May 8, 1965; Executive Order 11246, Section 104, September 24, 1965 as amended; DoD Directive 5105.42, Charter for the Defense Investigative Service; Federal Personnel Manual (Chapter 713); Federal Personnel Manual Letter 298–10.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained to provide:

(1) OPM, DoD and internal reports on employment characteristics of civilian employees;

(2) for statistical computations submitted to OPM; and

(3) to identify civilian personnel with selected characteristics or special qualifications.

Users of the system are: Personnel Specialists, clerks and EEO program officials as well as DIS OPM managers and supervisors with a need to know.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Computer magnetic tape and paper output in folders or binders.

RETRIEVABILITY:

Filed by date of listing, organization of assignment, name or Social Security Number (SSN), or race/ethnic background.

SAFEGUARDS:

Magnetic tape storage is within a secured area accessible only to authorized personnel. Paper products are secured in cabinets and only personnel with a need to know are granted access to these documents. Personnel with access are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Magnetic tape records and paper products of this system are retained until individual's departure from DIS and then on historical file for 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Office, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. Written requests for information should contain the full name of the individual, current address and telephone number, and the name of the individual that appears on the desired listing. Visits are limited to System Manager or Civilian Personnel Branch, Bldg. 320, Fort Holabird, Baltimore, Maryland, 21203. For personal visits, a check of personal identification will be required.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the Information and Legal Affairs Office, Defense Investigative Service, 1900 Half St., S.W., Washington, DC 20324.

RECORD SOURCE CATEGORIES:

Notifications Personnel Action, SF–50 and 50a, Payroll Change Notices, SF–1126, Personnel Qualifications Statements, SF–171 and certificates of training, and the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–4884 Filed 2–10–81; 8:45 am]

BILLING CODE 3810–70–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Science & Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on March 11 and 12, 1981, from 8:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the Navy's high energy laser programs and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Commander Catherine Z. Becker, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone number (703) 756–1205.

Dated: February 5, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–4786 Filed 2–10–81; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF ENERGY

Energy Policy Task Force; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Policy Task Force.
Date and Time: Thursday, February 19, 1981—9:30 a.m. to approximately 11:30 a.m.
Place: Department of Energy, 1000 Independence Avenue, S.W., Forrestal

Building, Room 4A110, Washington, D.C. 20585.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Forrestal Building, Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of the Task Force: To advise the Department of Energy on the broad range of policy and programmatic issues in energy.

Tentative Agenda: Discussion of the National Energy Plan (NEP III).

Public Participation: The meeting is open to the public. Written statements may be filed with the Task Force either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Less than 15-days' notice is being given for the meeting due to the need for immediate advice and recommendations concerning the content of the draft Plan which will be the subject of public hearings beginning in early March 1981. The final Plan will be submitted to Congress by June 1, 1981.

The Chairperson of the Task Force is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Issued at Washington, D.C. on February 10, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-5056 Filed 2-10-81; 11:13 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 742 grams of natural uranium to Japan Nuclear Fuel, Ltd. for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S-JA-293 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 6, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-4856 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" 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 Japan Concerning Civil Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to France for the purpose of reprocessing. The material consists of 108 irradiated fuel assemblies containing 48,400 kilograms of uranium enriched to 0.94% in U-235, and 386 kilograms of plutonium, from the Mihama Nuclear Power Station No. 3, the Takahama Nuclear Power Station No. 1, and the Ohi Nuclear Power Station No. 2. This subsequent arrangement is designated as RTD/EU(JA)-36.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committees on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: February 6, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-4857 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-CERT-002]

American Cyanamid Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On January 15, 1981, American Cyanamid Company (American Cyanamid), Berdan Avenue, Wayne, New Jersey 07470, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of up to 3,000 Mcf of natural gas per day to displace approximately 20,000 gallons (476 barrels) of No. 6 fuel oil (0.25 percent sulfur) per day at its acrylic fiber plant located in Pensacola, Florida. The eligible seller of the natural gas is Conecuh-Monroe Counties Gas District, and the gas will be transported by United Gas Pipe Line Company. Notice of that application was published in the **Federal Rigister** (46 Fr 8649, January 27, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On September 17, 1979, American Cyanamid received the original certification (ERA Docket No 79-CERT-082) of an eligible use of natural gas at the Pensacola Plant for a period of one year, which expired September 16, 1980. This recertification is being issued after the expiration date of the original certification because the applicant did not file for recertification until January 15, 1981.

The ERA has carefully reviewed American Cyanamid's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that American Cyanamid's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory

Commission. More detailed information including a copy of the application, transmittaLletter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., February 5, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-4855 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79–15–NG]

Natural Gas Pipeline Co. of America; Michigan Wisconsin Pipe Line Co., Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Texas Eastern Transmission Corp.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Applicant's Supplement to Import Applications.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on January 12, 1981, of a supplement to the joint application of Natural Gas Pipeline Company of America (Natural), Michigan Wisconsin Pipe Line Company (Michigan), Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), and Texas Eastern Transmission Corporation (Tetco) for authorization to import natural gas from Canada. The supplement is filed in accordance with an order issued by the ERA on October 30, 1980, requesting proper contractual attachments before a decision could be considered. The supplement is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before February 26, 1981.

FOR FURTHER INFORMATION CONTACT:

Leonard B. Levine (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG–55, Washington, D.C. 20461, (202) 653–3286.

James K. White (Acting Assistant General Counsel for Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Ave., S.W., Room 5E–074, GC–15, Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On June 4, 1979, Natural, Michigan, Tennessee, and Tetco (ProGas purchasers) filed a joint application with the ERA requesting authorization to import a combined total of 300,000 Mcf of natural gas per day beginning November 1, 1980, and continuing through October 31, 2000, subject to reductions in daily volume beginning in 1985. According to that application, ProGas Limited (ProGas), the Canadian exporter, will sell 25 percent of the authorized volume to each applicant until 1985. That application was assigned ERA Docket No. 79–15–NG and was noticed in the **Federal Register** on July 19, 1979 (44 FR 42307).

On September 30, 1980, the ProGas purchasers filed with ERA a Motion requesting conditional authorizations. ERA denied this motion in an Order issued on October 30, 1980. In that order, we found that the "Letter of Understanding" agreeing to major changes in the proposed project as described in the June 4, 1979, application, was "not sufficiently reliable to serve as the foundation on which to permit the immediate commencement of the ProGas import."

The January 12, 1981, supplement contains copies of contract amendments and other agreements that restructure the project. According to the supplement, the four ProGas purchasers and ProGas have agreed to reduce the total maximum volume of gas to be imported between the date of first delivery and November 1, 1982, from 300,000 Mcf per day to 150,000 Mcf per day, and substantially reduce the "take-or-pay" volumes under the contracts. Since the Gas Purchase Contracts provide for delivery beginning on November 1, 1980, delivery may now begin immediately after receipt of Federal Government authorizations. In addition, the ProGas purchasers, with ProGas consenting, have agreed that Natural and Michigan will assign their rights and obligations to purchase gas through November 1, 1982, to Tennessee and Tetco. Furthermore, Natural is to take delivery of its share of the gas (75,000 Mcf per day), beginning November 1, 1982, at the international border near Monchy, Saskatchewan, rather than at Emerson, Manitoba, and have such gas delivered from there to its facilities by Northern Border Pipeline Company and Northern Natural Gas Company.

The applicants state that the "changes have strengthened the already strong benefits to the United States described in the original application."

Persons who have already petitioned for intervention in ERA Docket No. 79–15–NG need not file new petitions, but may submit additional comments as appropriate.

Other Information

In view of the substantial revisions to the original application, ERA again invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideratioin if filed no later than 4:30 p.m., on February 26, 1981.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the application and supplement should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of the supplement is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461 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 5, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administrator.

[FR Doc. 81-4854 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

Coral Petroleum, 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: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Larry Harris, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, telephone number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On October 17, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that is executed a Consent Order with Coral Petroleum, Inc. (Coral) of Houston, Texas on January 11, 1980, 45 FR 69002 (1980). 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 Coral pursuant to the Consent Order were requested to submit notice of their claims to the ERA. The ERA received no notices of claim.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Coral is refunding the sum of $9,000,000 plus interest by certified checks made payable to the United States Department of Energy in annual installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

Action Taken: The ERA is unable readily to identify the persons entitled to receive the $9,000,000 plus interest or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on February 3, 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.[1] Persons who believe the 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 5th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-4852 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

[1] Contemporaneous with the settlement with Coral, DOE executed a Consent Order and a Settlement of Plea Bargain was accepted with respect to alleged illegal activities by Coastal. See 45 FR 12286 (Feb. 25, 1980). On August 21, 1980, the OHA issued a Decision and Order accepting jurisdiction under 10 CFR Part 205, Subpart V, over the refunds received by the DOE from Coastal. 6 DOE par. 82,572.

McCulloch Oil and Gas Corp. and McCulloch Oil Corp. of Texas; 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: Crude Producers Branch, Attn: John Marks, Program Operations Division, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, telephone number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On August 14, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with McCulloch Oil and Gas Corporation and McCulloch Oil Corporation of Texas (MOC) of Los Angeles, California, on July 13, 1979, 44 FR 47585 (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 MOC 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 not modified.

Pursuant to the Consent Order, MOC refunded the sum of $437,806.40 by certified checks made payable to the United States Department of Energy by July 11, 1980, in nine installments. This sum has been received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA: Koch Industries.

Action Taken: The ERA is unable readily to identify the persons entitled to receive the $437,806.40 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore 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 205.80 *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 4th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-4853 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES81-24-000]

El Paso Electric Co.; Notice of Application

February 5, 1981.

Take notice that on January 28, 1981, El Paso Electric Company (Applicant) filed a request with the Commission, pursuant to Section 204 of the Federal Power Act, requesting authority to negotiate for the placement of up to $75 million of First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4792 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3611-000]

Embrey Development Ltd.; Notice of Application for Preliminary Permit

February 4, 1981.

Take notice that Embrey Development Ltd. (Applicant) filed on October 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for

proposed Project No. 3611 to be known as the Embrey Dam Project located on the Rappahannock River in Stafford County, Fredericksburg, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth Lever, 6566 France Avenue South, Minneapolis, Minnesota 55435. 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 concrete dam having a height of 34.8 feet and a length of 1,070 feet; (2) an existing reservoir with a surface area of 74 acres and a storage capacity of 700 acre-feet at a normal pool elevation of 52.0 feet m.s.l.; (3) an existing 2 mile long power canal; (4) a proposed powerhouse with an installed generating capacity of 6,335 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 32,200 MWh.

Purpose of Project—Embrey Development Ltd. proposes to develop the hydroelectric potential of the site and sell the power output to Virginia Electric Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 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 12, 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 filed 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 13, 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. 3611. 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 Caapitol 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, 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.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-4793 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3625-000]

Essex County Industrial Development Agency; Notice of Application for Preliminary Permit

February 3, 1981.

Take notice that Essex County Industrial Development Agency (Applicant) filed on October 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3625 to be known as J & J Rogers Hydro Project located on West Branch, Ausable River in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Barbara R. Boster, Executive Director, Essex County Industrial Development Agency, County Court House, Elizabethtown, New York 12932. The J & J Rogers Dam is owned by the Applicant. 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 20 feet long and 40 feet high, constructed of rubble masonry with a concrete ogee spillway; (2) a reservoir with negligible pondage and maximum water surface elevation of 655.5 feet m.s.l.; (3) a rehabilitated intake structure, with gates, at the right dam abutment; (4) a new penstock, 7 feet in diameter and approximately 700 feet long, along the right river bank; (5) a restored powerhouse containing two turbines connected to generators having a total rated capacity of 1,800 kW; (6) a tailrace; (7) two new transmission lines;

and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,100,000 kWh.

Purpose of Project—Project energy would be sold to on site industry and to the New York State Electric and Gas Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, 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 $145,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 19, 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 petition to intervene must be received on or before March 20, 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. 3625. 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. 81-4794 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3760-000]

Franklin Industrial Complex, Inc.; Notice of Application for Short-Form License (Minor)

February 5, 1981.

Take notice that Franklin Industrial Complex, Inc. (Applicant) filed on November 19, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for construction and operation of a water power project to be known as the Franklin Mills Project No. 3760. The project would be located on the Winnipesaukee River in Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Arthur H. Steckler, President, Franklin Industrial Complex, Inc., Smith and Canal Streets, Franklin, New Hampshire 03235.

Project Description—The proposed project would consist of: (1) an existing 22-foot high concrete gravity dam known as the Stevens Dam and designated as No. 87.07 by the New Hampshire Water Resources Board; (2) two new penstocks extending approximately 800 feet downstream of the dam; (3) a proposed powerhouse located adjacent to and discharging immediately downstream of Dam No. 87.08; and (4) appurtenant works. The project would have a total installed capacity of 1,250 kW and an estimated average annual generation of 7,635,800 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Franklin Electric Light and Power Company's application filed on March 20, 1980, Project No. 3093, under 18 C.F.R. 4.33 (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 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 March 23, 1981. The Commission's address is 825 North Capitol Street, N.W., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3760–000. 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. 81-4795 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3401-001]

Hydro-Nelson; Notice of Application for Preliminary Permit

February 3, 1981.

Take notice that Hydro-Nelson (Applicant) filed on November 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. 3401 to be known as Walker Mill Dam located on Rockfish River in Nelson County near Schuyler, Virginia. The application is on the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John K. Pollock, General Manager, Hydro-Nelson, Box 413, Afton, Virginia 22920. 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 concrete dam approximately 120 feet in length and 35 feet in height; (2) an existing reservoir having a surface area of 18.30 acres with a total capacity of 64 acre-feet; (3) an existing concrete intake section; (4) a proposed powerhouse containing approximately three generators with a total capacity of 740 kW; (5) a proposed tailrace approximately 100 feet in length; (6) existing transmission lines; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 3.2 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Appalachian Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $36,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 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 12, 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 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 13, 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. 3401. 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. 81-4796 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-6-000]

Kentucky Utilities Company; Notice of Filing

February 5, 1981.

The filing company submits the following:

Take notice that on January 30, 1981, Kentucky Utilities Company (Applicant) submitted for filing, pursuant to section 203 of the Federal Power Act, an application to sell certain facilities to Jackson Purchase Electric Cooperative Corporation.

The facilities to be sold consist of certain electric transmission lines and appurtenant facilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 27, 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. 81-4797 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1923-001]

Lawrence H. Shay; Notice of Filing

February 4, 1981.

The filing Company submits the following:

Take notice that on January 28, 1981, Lawrence H. Shay (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act, to hold the following positions:

Director, The Connecticut Light & Power Company, Public Utility.

Director, The Hartford Electric Light Company, Public Utility.

Director, Vice President and Chief Administrative Officer, Western Massachusetts Electric Company, Public Utility.

Director, Vice President and Chief Administrative Chief, Holyoke Water Power, Public Utility.

Director, Vice President and Chief Administrative Officer, Holyoke Power and Electric Company, Public Utility.

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 27, 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. 81-4798 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3714-000]

Mitchell Energy Company, Inc.; Notice of Application for Preliminary Permit

February 3, 1981

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3714 to be known as the Whitney Point Project located on the Otselic River in Broome County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Whitney Point Dam and would consist of: (1) a new powerhouse near the spillway outlet structure at the east abutment containing a generating unit(s) having a rated capacity of 2-MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9,000,000 kWh.

Purpose of Project—Project energy would be sold to Consolidated Edison Company or a local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, and historic aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Continental Hydro Corporation Project No. 3293 filed on August 4, 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 protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 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 March 18, 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. 3714. 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 must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4799 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1934-000]

Roy H. Holdt; Notice of Filing

February 4, 1981.

The filing Company submits the following:

Take notice that on January 26, 1981, Roy H. Holdt submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board and Chief Executive Officer, White Consolidated Industries, Inc., supplying electrical equipment

Member of the Board of Directors, Cleveland Electric Illuminating Company, Public utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 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. 81-4809 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-120-000]

Natural Gas Pipeline Co. of America, et al.; Application

February 5, 1981.

Take notice that on December 29, 1980, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston Texas 77001, filed in Docket No. CP81-120-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 4.97 miles of 10¾-inch pipeline and appurtenant facilities in the West Cameron Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicants or their affiliates have the right to purchase natural gas reserves located in the offshore Louisiana West Cameron Block 560 field which includes reserves from West Cameron Blocks 552 and 560. In order to make this additional supply of natural gas available to their existing on-shore pipeline systems, Applicants propose to construct and jointly own approximately 4.97 miles of 10¾-inch pipeline from a production platform in West Cameron Block 560 to a subsea tap on the Stingray Pipeline Company System in West Cameron Block 537. It is asserted that the proposed facilities would provide a daily capacity of 30,557 Mcf.

Applicants estimate that the total proved reserves from the Block 560 field is 33,800,000 Mcf with a maximum daily production of 30,557 Mcf.

It is submitted that the proposed facilities would be constructed by Natural and Natural would operate and manage or would cause others to operate and manage said facilities.

The proposed facilities, it is stated, would be owned jointly by applicants based upon the following ownership percentages:

Natural	27.64 percent
Columbia Gulf	5.36 percent
Mich Wis	9.61 percent
Southern	10.84 percent
Texas Eastern	35.71 percent
United	10.84 percent

Applicants estimate the cost of the proposed facilities to be $3,900,000 which would be financed initially with funds on hand, borrowings under revolving credit arrangements or short-term financing.

It is asserted the additional supply would assist Applicants in meeting the long term requirements of their customers.

Any person desiring to be heard ot to make any protest with reference to said application should on or before February 26, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4800 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-5-000]

New Mexico Electric Service Co.; Notice of Filing

February 5, 1981.

The filing company submits the following:

Take notice that on January 29, 1980, New Mexico Electric Service Company submitted for filing an application, pursuant to section 203 of the Federal Power Act, for authority to merge its electric utility business into Public Service Company of New Mexico (PNM).

A copy of this filing has been served on PNM.

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 §§ 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 protest should be filed on or before February 27, 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4801 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-18-000]

Northern Natural Gas Co.; Informal Technical Conference

February 4, 1981.

Take notice that a technical conference will be held between the Commission Staff and applicant at 10:00 a.m. on February 13, 1981, in room 7312A of the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426. The purpose of the conference is to discuss certain technical design and other aspects of applicant's proposed construction of certain pipeline loops in Minnesota. Actual notice of the conference has been given to all persons who have filed a petition to intervene in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4803 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3828-000]

North Unit Irrigation District; Application for Preliminary Permit

February 5, 1981.

Take notice that North Unit Irrigation District (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3828 to be known as the North Unit Canal Power Projects located on North Unit Main Canal in Jefferson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Wagner, Secretary-Manager, Rt. 2, Box 1224, Madras, Oregon 97741. 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 two developments, the Mile 45 Project and the Mile 51 Project. The Mile 45 Project would consist of: (1) a gated intake structure located on the North Unit Canal; (2) an 84-inch diameter penstock that will bypass a chute and connect the intake structure to the power plant; and (3) a powerhouse located adjacent to the stilling basin, housing one generating unit with a rated capacity between 2,200 kW and 3,300 kW.

The Mile 51 Project would consist of: (1) an intake structure which will also be located on the North Unit Canal; (2) a 78-inch diameter penstock; and (3) a powerhouse located at the base of the chute containing one generating unit having a rated capacity between 1,900 kW and 2,600 kW.

The Applicant estimates that the average annual energy output would be between 14 and 20 million kWh.

Purpose of Project—The power generated by this project would be sold to a regional utility.

Proposed Scope and Cost of Studies under Permit— the Applicant proposes to carry out the following studies: subsurface investigation and review of foundation requirements; review of streamflow records topographic surveys of project site; comparative studies of cost and energy output of alternative siting; configuration and capacity for power plant installations; availability investigation of suitable turbines, generators and accessories required; selection of optimum configuration; environmental impact assessment; examination of legal and financial factors influencing feasibility of projects; and estimate of energy value and expected revenues from sales to power buyers. The Applicant estimates that the cost of these studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power and all other information necessary for inclusion in an application for a license.

Agency Comments— Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have not comments.

Competing Applications— Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 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 12, 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 13, 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. 3828. 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. 81-4802 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-491-002]

Northwest Pipeline Corp.; Petition To Amend

February 5, 1981.

Take notice that on January 9, 1981, Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-491-002, a petition to amend the order issued January 26, 1977,[1] in the instant docket pursuant to Section 7(b) of the Natural Gas Act so as to rescind the authorized abandonment of the Rangely Lateral enabling Petitioner to return it to service, 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 by the order issued January 26, 1977, in the instant docket it was granted permission and approval to abandon certain facilities including its Rangely Lateral consisting of approximately 1.127 miles of 6⅝-inch O.D. pipeline extending from Milepost 285.6 on Petitioner's mainline to a meter station at the outlet of the Hagood gasoline plant in Rio Blanco County, Colorado. Petitioner further states that it abandoned the Rangely Lateral on October 28, 1977.

Petitioner asserts that pursuant to a gas purchase contract dated July 31, 1980, it has the right to purchase certain volumes of natural gas from Chevron USA, Inc. (Chevron) at the outlet of the Hagood Plant.

Petitioner further asserts that it entered into a gas transportation agreement with Chevron Chemical Company (Chemical) dated October 28, 1980, whereby Petitioner agreed to transport up to 2,000 Mcf of gas per day for Chemical's account from the outlet of the Hagood Plant to Petitioner's mainline and thence to a point of delivery near Kennewick, Washington.

Petitioner predicts there would be available for either purchase or transportation at the outlet of the Hagood Plant volumes of natural gas in amounts up to approximately 2,900 Mcf per day.

Petitioner asserts that it must make provisions to move the subject volumes of gas from the Hagood Plant to Petitioner's existing mainline transmission facilities in order to effectuate its agreement with Chemical.

Petitioner, therefore, proposes to restore the Rangely Lateral which was abandoned in place to service, Petitioner further states that at the time of abandonment, the meter station at the plant outlet was abandoned by removal. Petitioner proposes to construct a new tap on its mainline and a new meter station at the outlet of the Hagood Plant pursuant to budget authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 26, 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. 81-4804 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. ER81-240-000]

Otter Tail Power Co.; Termination

February 4, 1981.

The filing Company submits the following:

Take notice that Otter Tail Power Company (Otter Tail) tendered for filing on January 21, 1981, a Notice of Termination of the Emergency and Standby Service Agreement, FPC No. 114, dated March 21, 1950, between Otter Tail and Nodak Rural Electric Cooperative, Inc.

Otter Tail requests an effective date of December 15, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 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. 81-4805 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-245-000]

Pacific Gas and Electric Co.; Notice of Filing

February 4, 1981.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG&E) on January 30, 1981, tendered for filing a signed letter

agreement dated January 27, 1981, stipulating to an amendment to the United States Power Contract No. 14-06-200-2948A (Contract) between the Western Area Power Administration (Western) and PG&E dated July 31, 1967, deferring review of certain other rates and charges pursuant to Article 32 of the Contract from April 1, 1981 to July 1, 1981. This agreement stipulates to the effective dates desired by the parties.

The parties have agreed to deferment of the rate review date to allow Western and PG&E to complete their joint review of the rates as provided therein in a more thorough manner.

It is proposed that this amendment become effective on April 1, 1981.

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 27, 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. 81-4806 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-551]

Panhandle Eastern Pipe Line Co.; Amendment to Application

Issued: February 3, 1981.

Take notice that on January 22, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-551 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect amendments to the gas sales, transportation and gathering agreement between Applicant and Kansas-Nebraska Natural Gas Company, Inc. (K-N) dated June 3, 1980, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on September 11, 1980, an amendment was executed changing the pressure base in Article IX of the agreement. Furthermore, on November 1, 1980, Applicant and K-N executed a second amendment modifying the language used to describe "Redelivery Volume" in paragraph 1.14 of the agreement and changing paragraph 5.1 of the agreement to increase the compressor fuel reimbursement provisions from 0.5 percent to 1.0 percent.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 26, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4807 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-4-000]

Public Service Co. of New Mexico; Notice of Filing

February 5, 1981.

The filing company submits the following:

Take notice that on January 29, 1981, Public Service Company of New Mexico (PNM) submitted for filing, pursuant to section 203 of the Federal Power Act, an application for approval of the merger of New Mexico Electric Service Company into PNM.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 27, 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. 81-4808 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 349]

Alabama Power Co.; Application for Approval of Exhibit R

February 5, 1981.

Take notice that an application was filed on December 5, 1979, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by Alabama Power Company (APC), Licensee for approval of Exhibit R for the Martin Projet No. 349 located on the Tallapoosa River in Coosa, Elmore and Tallapoosa Counties, Alabama. Correspondence with the Licensee on this matter should be addressed to: Mr. R. P. McDonald, Vice President, Power Supply Services, Alabama Power Company, Post Office Box 2641, Birmingham, Alabama 35291.

APC submitted its revised Exhibit R (Recreation Plan) in accordance with Article 50 of the License for the Martin Project. The revised Exhibit R describes existing recreational land uses and proposes development of 8 additional recreation areas on 1,377 acres of project land. The areas, most of which are located on the main body of the lake vary in size from 15 to 690 acres, and in character from a simple overlook to an elaborate park. Six of the areas, totaling 1,147 acres, are located in Tallapoosa County, and four of these areas are within 15 miles of Dadeville. The remaining areas are located in Elmore County near Red Hill and in Coosa County at the outfall of Parker Creek. Approval of Exhibit R would authorize construction over the term of the license of public recreation facilities at 8 designated sites, including boat ramps, docks, and fishing piers.

The Exhibit R also has attached to it as an appendix a Land Use Plan for Lake Martin. According to the Licensee, the purpose of the Land Use Plan is to preserve the pleasing appearance of project waters and lands so as to optimize the recreational experience of the public visiting Lake Martin and to ensure public access for specific recreational purposes. The Licensee has developed four proposed categories of future uses of project land. These include: (1) proposed general public use areas; (2) proposed natural undeveloped areas; (3) potential residential areas; and (4) prohibited access or hazardous areas. Over 44 percent of the shoreline

has been designated as natural undeveloped areas.

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before March 20, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4782 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-84-001]

Alabama Power Co.; Notice of Filing

February 3, 1981.

The filing company submits the following:

Take notice that on December 31, 1980, Alabama Power Company submitted for filing an Amendment to the Agreement for Transmission Service to Distribution Cooperative Members of Alabama Electric Cooperative (Agreement). Said amendment is being filed to correct certain unintentional errors in the Agreement.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 18, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4783 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-239-000]

Arizona Public Service Co.; Proposed Tariff Change

February 4, 1981.

The filing Company submits the following:

Take notice that on January 22, 1981, Arizona Public Service Company (APS) tendered for filing a Power Agreement between APS and Plains Electric Generation and Transmission Cooperative, Inc. for the sale of power and energy. The filing is made pursuant to § 35.12 of the Commission's Regulations.

The parties request waiver under the provision of § 35.11 so that service could be commenced on October 27, 1980.

A copy of the filing was served upon the Arizona Corporation Commission.

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 §§ 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 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4784 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3912-000]

City of Haines, Oregon; Application for Preliminary Permit

February 4, 1981.

Take notice that City of Haines, Oregon (Applicant) filed on December 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3912 to be known as Eilertson Meadow Power Project located on Rock Creek in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Richard H. Camp, Mayor, City of Haines, P.O. Box 280, Haines, Oregon 97833. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 140-foot high, 1200-foot long, earthfill dam; (2) a 10,000-foot long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 15 MW; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 40 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

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 geological, environmental, and economic feasibility studies. Applicant has indicated that (a) no new roads would be required for conducting the studies; and (b) test boring holds would be back filled and vegetation restored to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $200,000.

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 13, 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 12, 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 13, 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. 3912. 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. 81-4785 Filed 2-10-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3824-000]

Continental Hydro Corp.; of Application for Preliminary Permit

February 4, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3824 to be known as Joes Valley Dam Hydroelectric Project located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Water Power and Resources Service Joes Valley Dam and would consist of: (1) a new penstock about 650 feet long extending from the headworks, through the existing outlet conduit, to a powerhouse located on the southern bank of the outlet stilling basin; (2) a new powerhouse containing generating unit(s) having a total rated capacity of 2.0 MW; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6.5 GWH.

Purpose of Project—Project energy would be sold to Utah Power and Light Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational 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 13, 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 12, 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 13, 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", 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. 3824. 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. 81-4786 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3847-000]

Continental Hydro Corp.; Application for Preliminary Permit

February 4, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3847 to be known as the Stateline Project located on the East Fork River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. 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 Stateline Dam and would consist of a 950-foot long penstock; a powerhouse containing a generating unit having a rated capacity of 0.8 MW; and appurtenant facilities. The Applicant estimates that the average annual energy output would be 1.95 GWh.

Purpose of Project—The energy generated by the proposed project would be sold to Utah Power & Light Company or to public utilities and industrial users.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $48,000.

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 13, 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 12, 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 13, 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. 3847. 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. 81-4787 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3758-000]

Cook Electric Co.; Application for Preliminary Permit

February 5, 1981.

Take notice that Cook Electric Company (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. 3758 to be known as Clear Creek Dam located on North Fork—Tieton River in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a power plant installed at the existing Water and Power Resources Service's Clear Creek Dam, operated in conjunction with the existing discharges, and containing a 470-kW generating unit; and (2) a one mile 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 3,242,500 kWh.

Purpose of Project—The power generated from the proposed project would be sold to Benton Rural Electric Association.

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 they would conduct power marketing and hydrologic studies, determine environmental impacts, and make cost estimates. The Applicant estimates the cost of the studies to be $26,170.

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 13, 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 12, 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 13, 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. 3758. 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. 81-4788 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3675-000]

Dam Four Development Ltd.; Application for Preliminary Permit

February 5, 1981.

Take notice that Dam Four Development Ltd. (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3675 to be known as Kentucky River Lock and Dam No. 4 to be located at the U.S. Army Corps of Engineers Kentucky River Lock and Dam No. 4, a navigation and flood control project, on the Kentucky River in the city limits of Frankfort, Franklin County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ken Lever, Dam Four Development Ltd., 6566 France Avenue South, Minneapolis, Minnesota 55435. 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 an existing U.S. Army Corps of Engineers' dam and lock. Project No. 3675 would consist of: (1) a proposed powerhouse with 4 generating units with an estimated capacity of 5.4 MW (2) a proposed transmission line to interconnect with existing 138 kV lines owned by the Kentucky Utilities Company and (3) appurtenant facilities. The project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 26.4 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including formulation of the most economical scheme to generate hydroelectrical energy. Studies will include determination of size and configuration of generating equipment, field investigations including ground surveys and soundings, soil borings in areas proximate to the existing dam and concrete borings of the existing dam.

The cost of the aforementioned activities with obtaining agreements with Federal, State, and local agencies is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determaine 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 13, 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 12, 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 and 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 13, 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. 3675. 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 Capital 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. 10426. 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. 81-4789 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3296]

California Department of Water Resources; Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

February 3, 1981.

Take notice that on December 3, 1980, the California Department of Water Resources (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Del Valle #1 small hydroelectric project (FERC Project No. 3296) would be located at the existing California Department of Water Resources' (CDWR) Del Valle Dam near the City of Livermore in Alameda County, California. Correspondence with the Applicant should be directed to: Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Project Description—The proposed project would consist of: (1) a 40-foot long, 4-inch diameter penstock connected to the existing 60-inch diameter pipeline of the South Bay Aqueduct; (2) a powerhouse containing one generating unit rated at 5 kW; and (3) an 8-inch diameter discharge pipe. The proposed project would utilize flows that are currently discharged to maintain streamflow.

Purpose of Project—Project energy would be utilized directly for space heating and ventilation fans, and would not be connected to a transmission grid.

Estimated Cost—The cost of the project is estimated by the Applicant to be $50,000.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than July 20, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license 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 comment 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 20, 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 exemption for Project No. 3296. 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. 81-4775 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-241-000]

Delmarva Power & Light Co.; Cancellation

February 4, 1981.

The filing Company submits the following:

Take notice that on January 28, 1981, Delmarva Power & Light Company of Maryland (DPLM) tendered for filing a Notice of Cancellation of the Service Agreement between Stockton Light & Power Company and DPLM dated August 7, 1970.

DPLM requests an effective date of July 31, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4790 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-242-000]

Delmarva Power & Light Co.; Notice of Cancellation

February 4, 1981.

The filing Company submits the following:

Take notice that on January 28, 1981, Delmarva Power & Light Company of Maryland (DPLM) tendered for filing a Notice of Cancellation of the Service Agreement between Charleston Electric Power Company and DPLM dated May 1, 1963 under DPLM Electric Tariff No. 6.

DPLM states that this service was to have terminated on November 23, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 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. 81-4791 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-33-000]

El Paso Natural Gas Co., Tariff Filing

February 3, 1981.

Take notice that on January 23, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, Ninth Revised Sheet No. 67 and Second Revised Sheet No. 67–D.1 to its FERC Gas Tariff, Original Volume No. 1, and Second Revised Sheet No. 1–J to its FERC Gas Tariff, Original Volume No. 2A.

El Paso states that during a recent Commission Staff compliance audit, the following tentative issues were raised, among others, hereinafter referred to as exceptions, in Staff's examination of El Paso's Purchased Gas Cost Adjustment Provision ("PGAC") and PGAC-Clean High Pressure Gas Provision ("PGAC–CHPG") notice of rate change filings: (1) the inclusion of current exchange gas transactions in El Paso's calculation of the Account 191, Unrecovered Purchased Gas Costs, for PGAC filing purposes and (2) the computation of carrying charges on Account 191 balances included in the PGAC filing, as opposed to the balances recorded on the books which includes estimated amounts. By letter dated January 9, 1981, El Paso submitted its written response to the Staff's exceptions. In accordance with El Paso's response, El Paso is modifying the existing language of El Paso's PGAC and PGAC–CHPG provisions in order to specifically set forth therein certain accounting practices historically utilized in El Paso's PGAC and PGAC–CHPG filings. Such refinements in tariff language explicitly state (1) that the term "cost of gas purchased," as defined in Section 19.1 of the PGAC provision, will specifically include current exchange gas transactions and (2) that carrying charges are computed on the balances in Account 191, as filed in El Paso's PGAC and PGAC–CHPG filings. El Paso states that such methodologies are proper in El Paso's view and will continue to be utilized by El Paso for PGAC accounting purposes.

Additionally, El Paso states that the tendered tariff sheets, will modify its currently effective PGAC to specifically reflect that carrying charges computed on the Account 191 balances shall exclude the impact of the monthly accruals associated with exchange gas transactions.

El Paso has requested that the Commission grant such waivers of its Regulations Under the Natural Gas Act,

as may be necessary, in order to accept the tendered tariff sheets to become effective thirty (30) days from the date of filing. El Paso states that acceptance of the tendered tariff sheets on the effective date requested will provide for the modification of El Paso's PGAC and PGAC–CHPG provisions as soon as possible so as to avoid any further confusion as to El Paso's PGAC accounting practices, and insure that the changes can be implemented in time for El Paso's next regularly scheduled PGAC filing which will be filed on or about February 27, 1981.

El Paso states that copies of the filing were served upon all interstate transmission system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Feb. 17, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4776 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-391, et al.]

Great Plains Gasification Associates, et al.; Scheduling Conferences

Issued: February 2, 1981.

Following the issuance by the Court of Appeals on December 8, 1980, of its decision setting aside Commission Opinion No. 69 and remanding the matter for further proceedings, Great Plains Gasification Associates submitted a proposed settlement agreement. The agreement was considered at two conferences. However, negotiations were not productive and the draft documents apparently have been withdrawn by the project's sponsors.

On February 2, 1981, a further proposal was submitted by Great Plains which would involve only a purchase by the pipeline buyers of pipeline quality synthetic gas from the Great Plains facility, assuming production is achieved. The former financing arrangements, particularly in the pre-production period, would not be involved. The proposal, if filed, would entail advance approval of amendments to the tariffs of the pipeline purchasers to permit inclusion of the costs of these purchases in their purchased gas adjustments. One pipeline, Transcontinental, would not require modification of its existing PGA provision. The proposal is intended to meet the objections raided to the prior settlement agreement.

Copies of the new proposal have been served on all parties and individual service has been affected on all active participants in the proceeding. Great Plains has requested that a conference be convened in order to consider the matters raised in the proposal.

Notice is hereby given that a staff level conference will be held in this proceeding, pursuant to Great Plains' request, on Tuesday, February 10, 1981, commencing at 10:00 a.m. to consider the proposal. A second conference, if necessary, will be held on Friday, February 20, 1981, also commencing at 10:00 a.m. The conferences will be held at the Commission's offices, Washington, D.C., ninth floor meeting room, and will be open to the public.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4777 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3651-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 3, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 3, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3651 to be known as Kaskaskia Lock and Dam Hydroelectric Project to be located at the U.S. Army Corps of Engineers Kaskaskia Lock and Dam, a navigation project, on the Kaskaskia River near the mouth of the Mississippi River, near Chester, Illinois, Randolph County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Incorporated, 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' lock and dam. Project No. 3651 would consist of: (1) a proposed powerhouse located just below the existing dam with generator units having a total approximate capacity of 11 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 48,000,000 kWh.

Purpose of Project—Energy produced at the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24 month permit to prepare a definitive project report, including a preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 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 protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be 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. 3651-000. 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, 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. 81-4778 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP67-18, et al.]

Panhandle Eastern Pipe Line Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 3, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington D.C. 20426, on or before February 17, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type Filing
11/13/80	Panhandle Eastern Pipe Line Corp. and Columbia Gas Transmission Corp.	RP67-18 and TA 80-1-21.	Petition and Plan.
11/13/80	Transcontinental Gas Pipe Line Corporation and Columbia Gas Transmission Corp.	G-5258 and TA80-1-21.	Petition and Plan.
1/21/81	Consolidated Gas Supply Corporation.	RP78-52-007 ...	Report.
1/21/81	Consolidated Gas Supply Corporation.	RP72-157-040.	Report.
1/21/81	North Penn Gas Company.	RP79-68-004 ...	Report.

[FR Doc. 81-4779 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3783-000]

Rocky Brook Electric Corp.; Application for Preliminary Permit

February 3, 1981.

Take notice that Rocky Brook Electric Corporation (Applicant) filed on November 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3783 to be known as Rocky Brook Project located on Rocky Brook in Jefferson 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. Joseph B. Clarkson, 460 Duckabush Road, Brinnon, Washington, 98320; and Mr. Donald H. Knudsen, Island Lake Drive, Shelton, Washington, 98584. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 10 to 15-foot high thin steel-arch diversion weir with a spillway; (2) a 500-foot long pipeline; (3) a surge tank; (4) a 1,050-foot long steel penstock; (5) a powerhouse containing one generating unit rated at 1,100 kW and one generating unit rated at 400 kW; (6) a trailrace; and (7) a 500-foot long transmission line. The Applicant estimates that the average annual energy output would be 7,000,000 kWh.

Purpose of Project—The energy output of the project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, 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 $20,000.

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 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 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 10, 1981.

Filing and Sevice 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. 3783. 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 paragrpah of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4780 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3710-000]

Sequoia Energy Corp.; Application for Preliminary Permit

February 3, 1981.

Take notice that Sequoia Energy Corporation (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. 3719 to be known as the Los Esteros Hydro Project located on the Pecos River in Guadalupe 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 U.S. Army Corps of Engineers' Los Esteros Dam and Reservior and would consist of: (1) a modified headworks; (2) a new penstock, approximately 350 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 between 2,750 kW and 3,000 kW; (4) a tailrace; (5) transmission lines utilizing existing service lines at the site, if feasible; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 5,800,000 kWh and 6,300,000 kWh.

Purpose of Project—Project energy would be sold to the Farmers Electric Cooperative. 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 $52,000.

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 13, 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 12, 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 13, 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. 3719. 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. 81-4781 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-97, etc.]

Tennessee Gas Pipleline Co., et al.; Informal Settlement Conference

February 3, 1981.

In the matter of Tennessee Gas Pipeline Co., Docket No. PR80-97; Michigan Wisconsin Pipe Line Co., Docket No. PR80-100; Southern Natural Gas Co., Docket No. PR80-102; Natural Gas Pipe Line Co. of American, Docket No. PR80-107; Transcontinental Gas Pipe Line Corp., Docket No. PR80-117; United Gas Pipe Line Co., Docket No. PR80-121; Trunkline Gas Co., Docket No. PR80-106; Columbia Gulf Transmission Corp., Docket No. PR80-146; Sea Robin Pipleline Co., Docket No. PR80-118; Florida Gas Transmission Co., Docket No. PR81-7; High Island Offshore System, Docket No. PR81-18; U-T Offshore System, Docket No. RP81-20.

Take notice that on February 18, 1981, at 10:00 a.m. there will be an informal conference of all interested persons for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extend possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but is such persons have not perviously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings by deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Persons intending to attend the conference are advised to contact the Staff Counsel in their respective proceedings or Lawrence Acker at (202) 357-9115 on or after February 16, 1981, to obtain final confirmation that the location of the conference has not been changed.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4810 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-129-000]

Texas Gas Transmission Corp.; Notice of Application

February 5, 1981.

Take notice that on December 31, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP81-129-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by purchase from National Exploration Company (National) approximately 3,490 feet of 2⅞-inch O.D. pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated May 23, 1980, Applicant proposes to purchase from National approximately 3,490 feet of 2⅞-inch O.D. pipeline at a cost of $36,641.45. Applicant asserts such cost would be financed from funds on hand.

Applicant contends that such an arrangement would result in a cost savings of $14,000 since a similar pipeline constructed by Applicant would cost in excess of $50,000.

Applicant avers that no new services or sales are proposed by this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 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. 81-4811 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-137-000]

Truckline Gas Co.; Notice of Application

February 5, 1981.

Take notice that on January 12, 1981, Truckline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-137-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon both the sale of natural gas to Columbia Gas Transmission Corporation (Columbia) and certain production-related facilities in Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to authorization granted in Docket No. CP64-8, it sells gas from the Erath Field, Vermilion Parish, Louisiana, to Columbia pursuant to a gas purchase sales agreement dated April 24, 1963, as amended. Applicant states that production has now ceased from its three wells in the Erath Field and that each well has been plugged and abandoned.

Applicant therefore proposes to abandon both the sale of natural gas to Columbia and certain production-related facilities located in Vermilion Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 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 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 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of 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. 81-4812 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-243-000]

Tucson Electric Power Co.; Notice of Filing

February 4, 1981.

The filing Company submits the following:

Take notice that Tucson Electric Power & Light Company (Tucson) on January 27, 1981, tendered for filing "Service Schedule F to the Power Service Agreement between Tucson Electric Power Company and Arizona Electric Power Cooperative, Inc." The primary purpose of this Service Schedule F, Nonfirm Transmission Service, is to establish terms and conditions between the parties for the provision of nonfirm transmission service over their respective transmission system for delivery of each other's power and energy.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4813 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-149-000]

United Gas Pipe Line Co.; Notice of Application

February 5, 1981.

Take notice that on January 19, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-149-000 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during the 12-month period commencing on the date of the requested order, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, 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 abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 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 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 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 permission and approval for the proposed abandonment are 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. 81-4814 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2906]

Upper San Joaquin River Water and Power Authority; Notice of Amendment of Application for Preliminary Permit

February 5, 1981.

Take notice that on March 26, 1980, Upper San Joaquin River Water and Power Authority (Applicant) filed an application to amend its preliminary permit application to include the Granite Creek-Jackass Water Conservation and Hydroelectric Development as an alternative to be studied along with the proposed Jackass-Chiquito Water Conservation and Hydroelectric Development, FERC Project No. 2906. The public notice of the application for the Jackass-Chiquito project was given on January 15, 1980. The proposed alternate project would be located on the North Fork of San Joaquin River, Jackass Creek, and Granite Creek near Southern California Edison Company's Mammoth Pool Reservoir (existing licensed FERC Project No. 2085), in the county of Madera, California. Lands of the United States which may be affected by the proposed project are located in the Sierra National Forest, under the jurisdiction of the United States Forest Service. Correspondence with the Applicant should be directed to: John Boudreau, Manager, Terra Bella Irrigation District, 24790 Avenue 95, Terra Bella, California 93270, and David H. Minasian, Esquire, Minasian, Minasian, Minasian, Spruance and Baber, Attorneys at Law, Post Office Box 1679, Oroville, California 95965.

Project Description—The proposed alternate Granite Creek-Jackass project would consist of: (1) a 10-foot high concrete overflow diversion dam, diverting flow from Iron Creek, through a 3,000-foot long, 36-inch diameter tunnel, to; (2) the proposed North Fork Reservoir created by; (3) a 25-foot high concrete overflow dam; (4) a 32,000-foot long, 11-foot diameter tunnel, to which diversions from Cora and Chestwood Creeks would be added through two vertical bore holes, diverting water to; (5) Granite Creek Reservoir, with a gross storage capacity of 100,000 acre-feet and maximum surface area of about 1,400 acres formed by; (6) Granite Creek Dam, a 350-foot high rockfilled structure; (7) a 22,000-foot long, 10-foot diameter concrete tunnel, to which diversion from Jackass Creek would be added through a 12,000-foot long, 24-inch diameter concrete pipe, diverting flows to; (8) the Graveyard Meadow Reservoir, having a gross storage capacity of 9,000 acre-feet and maximum surface area of 200 acres and formed by; (9) Graveyard Meadow Dam, a 250-foot high rockfilled structure; (10) a 16,000-foot long, 14-foot diameter concrete tunnel; (11) a 3,300-foot long penstock, varying in diameter from 9 feet 8 inches to 8 feet 3 inches, serving; (12) the Jackass No. 2 Powerhouse to contain two impulse-type turbine-generator units having a total rated capacity of 150 MW; (13) a forebay reservoir formed by a 50-foot high dam, and having a storage capacity of 300 acre-feet; (14) a 9,800-foot long penstock, varying in diameter from 14 feet 3 inches to 8 feet 3 inches, serving; (15) the Jackass No. 1 Powerhouse to contain two impulse-type, turbine-generator units having a total rated capacity of 150 MW.

Purpose of Project—A portion of project energy would be used for distribution to the Applicant's major pumping stations for irrigational purposes. Remaining power would be sold to other public agencies or utility companies.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years, during which it would prepare a definitive project report, prepare preliminary designs, conduct geological explorations, collect environmental data and prepare an environmental report, obtain agreements with various Federal, State, and local agencies, and prepare an FERC license application. Applicant has filed a work plan for the studies for new dam construction. The field studies to be conducted are visual inspections and surveys to select the location of the project facilities. No disruptive testing or exploration is proposed. The cost of these activities is estimated by the Applicant to be about $1,000,000.

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 the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, States, 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 is a competing application to the West Side Development Project No. 2968 filed on September 12, 1979, 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 protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, §1.18 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene

in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 23, 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. 2906. 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 St., 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. 81-4815 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-244-000]

Virginia Electric and Power Co.; Notice of Filing

February 4, 1981.

The filing Company submits the following:

Take notice that on January 29, 1981, Virginia Electric Power Company (VEPCO) tendered for filing a contract on behalf of the B-A-R-C Electric Cooperative (BARC) for a new 46 KV delivery point in Rockbridge County, Virginia which has been designated as Cornwall Delivery Point. VEPCO states that the new delivery point is expected to be connected in March, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 27, 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. 81-4816 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3214-000 and 3768-000]

Water Power Development Corporation and Vermont Electric Cooperative, Inc.; Competing Applications for Preliminary Permit

February 4, 1981.

Take notice that two competing applications have been filed for a preliminary permit for a proposed preliminary permit to be known as the Deweys Mills Project, located on the Ottanquechee River in Windsor County, Vermont. The Applicants are the Water Power Development Corporation, application filed June 12, 1980, and designated Project No. 3214, and the Vermont Electric Cooperative, Inc., application filed November 21, 1980, and designated Project No. 3768. The applications were filed under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r). The project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers.

Correspondence with Applicants—Correspondence with the Water Power Development Corporation should be directed to Mr. Kenneth E. Mayo, President, 23 Temple Street, Nashua, New Hampshire 03060. Correspondence with the Vermont Electric Cooperative should be directed to Mr. William J. Gallagher, Manager, Vermont Electric Cooperative, Inc., School Street, Johnson, Vermont 05656.

Description of Deweys Mills Dam—Each Applicant proposes to utilize the existing Deweys Mills Dam and Reservoir, which is owned by the U.S. Government and is located within the boundaries of the U.S. Army Corps of Engineers' North Hartland Lake Project. The dam is a concrete structure with a height of 9 feet. At a normal surface elevation of 528 feet m.s.l., the reservoir has a surface area of 55 acres.

Project Description—As proposed by each Applicant, the project would consist of a penstock, powerhouse, and transmission facilities. The Water Power Development Corporation estimates that the project would have an installed capacity of 1,500 kW and an average annual energy production of 7,690,000 kWh. The Vermont Electric Cooperative, Inc., estimates that the project would have an installed capacity of 2,740 KW and an average annual energy production of 7,800,000 kWh.

Purpose of Project—Water Power Development Corporation proposes to sell power to a local public utility. Vermont Electric Cooperative, Inc., proposes to use project power to meet the electrical energy requirements of its members.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks a preliminary permit for a period of 36 months, during which time it would perform surveys, environmental assessment studies, and economic and recreational studies, as well as develop preliminary plans. Water Power Development Corporation estimates that such studies would cost $50,000, and Vermont Electric Cooperative, Inc., estimates the studies would cost at least $25,000.

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.

Comments, Protests, or Petitions to Intervene—Any 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 23, 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 applications for preliminary permit for Project Nos. 3214 and 3768. 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, 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 petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Previous Public Notice—Public notice of the Water Power Development Corporation's application for Project No. 3214 was given on July 22, 1980, and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing. This second public notice of the Water Power Development Corporation's application is being given in order to indicate a change in the project description and to permit an easier comparison of that application with Project No. 3768. The date by which comments, protests and petitions to intervene were due under that earlier notice are superseded by those contained in this notice. Comments, protests and petitions to intervene that have already been filed by agencies or individuals on the basis of the earlier notice will be considered as though the had been filed in response to this notice. Additional comments may be filed, if desired, on the basis of this notice.

The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4817 Filed 2-10-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00135; PH FRL 1700-7]

State FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a one-day meeting of the State FIFRA issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATE: Thursday, March 5, 1981, beginning at 8:30 a.m. and ending prior to 4:00 p.m.

ADDRESS: The meeting will be held at: Holiday Inn, Thomas Circle, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: P. H. Gray, Jr., Office of Pesticide Programs, Environmental Protection Agency, TS-770-M, 401 M St., SW., Washington, D.C. 20460, (202-472-9400).

SUPPLEMENTARY INFORMATION: This will be the eighth meeting of the full Group. The tentative agenda thus far includes the following topics:

1. Action items from the December 1980 meeting of SFIREG.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may have arisen during the March 2-4, 1981, meeting of the Association of American Pesticide Control Officials.

Dated: January 29, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-4745 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-00136; PH-FRL 1750-8]

Scientific Advisory Panel Nominations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice provides the names, addresses, professional affiliations, and selected biographical data of persons nominated to serve on the Scientific Advisory Panel. Public comment on the nominations is invited.

ADDRESS: Send comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., Washington, D.C. 20460.

DATE: Comments should be postmarked not later than March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Acting Executive Secretary, FIFRA Scientific Advisory Panel (TS-766), Office of Pesticide Programs, Rm. 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA. 22202. (703-557-7560).

SUPPLEMENTARY INFORMATION:

I. Background

FIFRA amendments enacted November 28, 1975, added, among other things, a requirement set forth in section 25(d) that notices of intent to cancel or reclassify pesticide registrations pursuant to section 6(b)(2), as well as proposed and final forms of rulemaking pursuant to section 25(a), be submitted to a Scientific Advisory Panel prior to being made public or issued to a registrant. In accordance with section 25(d), the Scientific Advisory Panel is to have an opportunity to comment on the health and environmental impact of such actions.

II. Charter

A Charter for the FIFRA Scientific Advisory Panel has been issued in accordance with the requirements of section 9(c) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770 (5 U.S.C. App I).

The qualifications of members as provided by the Charter follow.

A. Qualifications of Members

". . . Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under Sections 6(b) and 25(a) of FIFRA. No person shall be ineligible to serve on the Panel by reason of his membership on any other advisory committees to a Federal department or agency or his employment by a Federal department or agency (except the Environmental Protection Agency). The Administrator appoints individuals to serve on the Panel for staggered terms of one to four years.

"Panel members are subject to the provisions of Title 40, CFR, Part 3, Subpart F—Standards of Conduct for Special Government Employees, which include rules regarding conflicts-of-interest. An officer and/or employee of an organization producing, selling, or distributing pesticides and any other person having a substantial financial interest (as determined by the Administrator) in such an organization, as well as an officer or employee of an

organization representing pesticide users shall be excluded from consideration as a nominee for membership on the Panel. Each nominee selected by the Administraor shall be required to submit a Confidential Statement of Employment and Financial Interests, which shall fully disclose the nominee's sources of research support, if any, before being formally appointed.

"In accordance with Section 25(d) of FIFRA, the Administrator shall require all nominees to the Panel to furnish information concerning their professional qualifications, including information on their educational background, employment history, and scientific publications. Section 25(d) of FIFRA requires the Administrator to publish in the **Federal Register** the name, address, and professional affiliations of each nominee. . ."

B. Applicability of Existing Regulations

With the respect to the requirement of section 25(d) that the Administrator promulgate regulations regarding conflicts of interest, the Charter provides that EPA's existing regulations applicable to special governmental employees (which include advisory committee members) will apply to the members of the Scientific Advisory Panel. These regulations appear at 40 CFR Part 3, Subpart F. In addition, the Charter provides for open meetings with opportunities for public participation.

III. Nominees

The following are the names, addresses, professional affiliations, and selected biographical data on nominees being considered for membership on the FIFRA Scientific Advisory Panel to fill two vacancies occuring during calendar year 1981. To fill the vacancies, one nominee must be from the National Institutes of Health and the other from the National Science Foundation.

A. National Institutes of Health

Stata Elaine Norton, Ph. D., Professor, Department of Pharmacology, University of Kansas Medical School, Kansas City, Kansas 66103. Born: November 22, 1922. Educational Background: (Pharmacology, Toxicology) B.S. University of Connecticut, 1943; M.A. Columbia University, New York, 1945; Ph. D., University of Wisconsin, 1949. Employment History: University of Wisconsin, 1947–1949: Research Assistant; Wellcome Research Laboratories (Burroughs Wellcome and Co.), Department of Pharmacology, 1945–1947; 1949–1062; 1968: Neuropharmacologist; University of Kansas Medical School, 1962–1965: Assistant Professor, Department of Pharmacology; University of Kansas Medical School, 1965–1968: Associate Professor, Department of Pharmacology; University of Kansas Medical School, 1969-present: Professor, Department of Pharmacology. Societies: Sigma Xi; America Association for the Advancement of Science; American Society for Pharmacology and Experimental Therapeutics; Biometrics Society; American Society of Zoologists; Society of Toxicology. Research Interests: Neuropharmacology: animal behavior; brain development; effects of exposure to toxic substances on development and behavior.

B. National Science Foundation

Rosemarie von Rumker, Sc. D., Managing Partner, RvR Consultants, P.O. Box 552, Shawnee Mission, Kansas 66201. Born: Halberstadt, Germany, July 30, 1926; Naturalized U.S. citizen. Educational Background: (Agricultural Chemistry) University of Bonn, Diploma and Doctorate of Agronomy (plant pathology, entomology, and agricultural economics). Professional Experience: Farm administrator seed breeding, Germany 1950–1951; agricultural research biologist, Farbenfabriken Bayer, Inc. 1951–1954; director research, Chemagro Corp., N.Y., 1954–1958; vice president, research and development, Kansas City, Missouri, 1959–71; Managing Partner, RvR Consults, 1971-Concurrent Position. Societies: Agricultural Research Institute, Entomological Society of America, American Chemical Society, American Society of Agricultural Engineers; Weed Society of America. Research Interests: Crop protection; environmental effects of pesticides; pest control problems and opportunities; development of new pesticides and animal health products; economics of pest control and pesticide development.

III. Public Comment

Public comment regarding the qualifications of the nominees relative to the Charter of the Scientific Advisory Panel is invited. Comments will be used to assist the agency in selecting nominees to comprise the Panel and should be so oriented. To be assured of consideration, such comments should be postmarked not later than March 13, 1981 and should be sent to the address above. All written comments will be available for public inspection in Room 447, East Tower, 401 M Street, SW., Washington, D.C. from 8:00 a.m. to 4:00 p.m. Monday through Driday, except legal holidays.

(Sec. 25 as amended 86 Stat. 973; 89 Stat. 971; (70 S.C. 136))

Dated: February 2, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-4746 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-32-M

[A-6-FRL 1751-5]

Notice of Approval of PSD Permit to Allied Chemical Co.

Notice is hereby given that on November 21, 1980, the Environmental Protection Agency (EPA) issued an amended Prevention of Significant Deterioration (PSD) permit, number PSD–LA–104, to Allied Chemical Company for approval to expand the polyolefins plant located 1.5 miles north of Scotlandville off U.S. Highway 61 in East Baton Rouge Parish, Louisiana. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD–LA–104 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations: Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270.

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6

[FR Doc. 81-4747 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

[A-6-FRL 1751-6]

Notice of Approval of PSD Permit to B. F. Goodrich Chemical Co.

Notice is hereby given that on November 6, 1980, the Environmental Protection Agency (EPA) issued an amended Prevention of Significant Deterioration (PSD) permit, number PSD–LA–108, to the B. F. Goodrich Chemical Company for approval to construct a new chlor-alkali/ethylenedichloride manufacturing facility located approximately 10 miles

northwest of Convent, St. James Parish, Lousiana on State Highway 44. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD-LA-108 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations: Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270.

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81-4748 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

[A-6-FRL 1751-4]

Notice of Approval of PSD Permit to B. F. Goodrich Chemical Corporation

Notice is hereby given that on November 24, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD-LA-326, to B. F. Goodrich Chemical Corporation for approval to construct an ethylene dichloride/vinyl chloride monomer/polyvinylchloride production plant located approximately 10 miles northwest of Convent, Louisiana on State Highway 44 in St. James Parish. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD-LA-326 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270

Office of the President, St. James Parish Council, St. James Parish Courthouse, River Road, Convent, Louisiana 70721

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81-4749 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

[A-6-FRL 1751-1]

Notice of Aproval of PSD Permit to Exxon Chemical Company

Notice is hereby given that on December 22, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD-TX-302, to the Exxon Chemical Company for approval to expand the olefins plant located at 3525 Decker Drive in Baytown, Harris County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD-TX-302 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for pubic inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270

Office of the City Clerk, City Hall, 2401 Market Street, Baytown, Texas 77520

January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81-4750 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

[A-6-FRL 1750-6]

Notice of Approval of PSD Permit to Gulf States Utilities

Notice is hereby given that on December 22, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD-LA-294, to Gulf States Utilities for approval to modify the Roy Nelson Generating Station located 13 kilometers west-northwest of Lake Charles in Westlake, Calcasieu Parish, Louisiana. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD-LA-294 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270

Office of the City Clerk, City Hall, 701 Johnson Street, Westlake, Louisiana 70669

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81-4751 Filed 2-10-81; 8:45 am]

BILLING CODE 6560-38-M

[A-6-FRL 1751-3]

Notice of Approval of PSD Permit to Oklahoma Gas and Electric Company

Notice is hereby given that on December 5, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD-OK-218, to the Oklahoma Gas and Electric Company for approval to construct 2 additional 550 MW coal-fired steam electric generators located at the Sooner Station which is 19 miles north of Stillwater on Highway 15 in Pawnee County, Oklahoma. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to

the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD–OK–218 is available *only* by the filing of petition for review in the United States Court of Appeals for the Tenth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270

Office of the City Clerk, City Hall, 510 Illinois, Pawnee, Oklahoma 74058

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81–4752 Filed 2–10–81; 8:45 am]

BILLING CODE 6560–38–M

[A–6–FRL 1751–2]

Notice of Approval of PSD Permit to Sigmor Refining Co.

Notice is hereby given that on December 10, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD–TX–331, to Sigmor Refining Company for approval to modify the existing petroleum refinery located at 301 Leroy Street in Three Rivers, Live Oak County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD–TX–331 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit on or before April 13, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the application and permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air Enforcement Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270

Office of the City Secretary, City Hall, P.O. Box 398, Three Rivers, Texas 78071

Dated: January 29, 1981.

Adlene Harrison,

Regional Administrator, Region 6.

[FR Doc. 81–4753 Filed 2–10–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 64]

Heidl's Inc.; Order of Revocation

On February 4, 1981, Heidl's Inc., 129–04 91st. Avenue, Richmond Hill, NY 11416, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 64, effective January 31, 1981.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 64 issued to Heidl's Inc., be revoked effective January 31, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 64 issued to Heidl's Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Heidl's Inc.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 4715 Filed 2–10–81; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1981:

Name: National Advisory Council on Health Professions Education

Date and time: March 23–25, 1981, 8:45 a.m.

Place: Conference Room 10, 6th Floor, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20205.

Closed March 23, 1981; open March 24 and 25, 1981.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The meeting will be closed to the public on March 23, for the review of applications for grants for General Internal Medicine and General Pediatrics, Physician Assistants, Dental TEAM, Dental EFDA and Graduate Programs in Health Administration. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92–463. The agenda for the open portion of the meeting will include: report of the Acting Administrator; welcome and opening remark; budget update; legislative update; health promotion and disease prevention; outline for Council recommendations on status of health professions report; future agenda items; consideration of minutes of previous meeting; and discussion of future meeting dates.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Bureau of Health Professions, Health Resources Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6564.

Agenda items are subject to change as priorities dictate.

Dated: February 5, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 81–4716 Filed 2–10–81; 8:45 am]

BILLING CODE 4110–83–M

Public Health Service

Private Practice Option Under Section 753 of the Public Health Service Act; Delegations of Authority

Notice is hereby given that the following withdrawal and delegation of authority have been made regarding the Private Practice Option Program under section 753 of the Public Health Service Act (42 U.S.C. 294v), as amended by Pub. L. 94–484.

1. Withdrawal from the Director, Bureau of Health personnel Development and Service, Health Services Administration, by the Acting Administrator, Health Services

Administration, all the authorities under section 753 of the Public Health Service Act (42 U.S.C. 294v).

2. Delegation from the Acting Administrator, Health Services Administration, to the Regional Health Administrators, with authority to redelegate, all the authorities under section 753 of the Public Health Service Act (42 U.S.C. 294v) pertaining to the release of an individual to enter into private practice under the Private Practice Option.

All previous delegations and redelegations within the Health Services Administration are hereby superseded as they pertain to the Private Practice Option under section 753 of the Public Health Service Act.

The above withdrawal and delegation were effective on February 2, 1981.

Dated: February 2, 1981.

John H. Kelso,

Acting Administrator, Health Services Administration.

[FR Doc. 81-4727 Filed 2-10-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Kenai National Wildlife Refuge; Comprehensive Conservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Public notice.

SUMMARY: The Fish and Wildlife Service is beginning development of a Comprehensive Conservation Plan for the Kenai National Wildlife Refuge in accordance with Pub. L. 96-487, the Alaska National Interest Lands Conservation Act. When complete the plan will define the land use patterns and management objectives of the refuge for the next 10-20 years. The public is invited to provide comments about issues and concerns which they feel should be addressed in this planning process.

DATES: Comments should be received on or before March 13, 1981.

ADDRESS: Comments may be addressed to Kenai Planning Team, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Arthur M. Wemmerus, Chief of Planning, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. (907) 276-3800 Extension 391.

SUPPLEMENTARY INFORMATION: David G. Patterson is the primary author of this notice. This process is expected to take place over the period of one year. Public input will be invited during this, the scoping phase, and during the objectives-setting and final review phases. Public involvement is sought pursuant to the requirements of the National Environmental Policy Act of 1969 and the policy of the Fish and Wildlife Service to afford the public the opportunity to participate in the planning process. Persons wishing more information about this planning effort are advised to write to the Kenai Planning Team, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

Keith M. Schreiner,

Regional Director.

[FR Doc. 81-4728 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3169, Block 238, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 2, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-4670 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3938, Block A-23, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 2, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-4673 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3942, Block A–106, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 2, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-4874 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3091, 3096, and 4139, Blocks 632, 656, and 657, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geoogical Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of title 30 of the Code of Federal Regulations.

Dated: February 2, 1981.

E. A. Marsh,

Staff Assistant for Operations, Gulf of Mexico OCS Region.

[FR Doc. 81-4872 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on March 24, 1981:

Mount Diablo Meridian, Nevada

T. 20 N., R. 43 E.

2. The township is situated about 6 miles NNW of Austin, Nevada. Elevation varies from about 5,500 to 6,900 ft. above sea level. The Reese River crosses the western portion of the township. Italian Creek drains through the center of the township into the Reese River.

Vegetation consists of sagebrush, greasewood, shadscale, crested wheat grass with willows along the river.

No mineral formations were noted.

3. Mount Diablo Meridian, Nevada

T. 13 N., R. 44 E.

4. The area surveyed and resurveyed varies from mountainous in the east portion to nearly level in the west portion. Soil is sandy clay, gravel and rocky. Vegetation consists of greasewood, rabbit brush and native grass.

No mineral formations were noted.

5. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on March 24, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

February 3, 1981.

Loyd C. Miller,

Chief, Branch of Records and Data Management.

[FR Doc. 81-4765 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7387 WR, CA-7388 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the Public Water Reserve withdrawals on the following lands:

San Bernardino Meridian, California

1. Public Water Reserve No. 134, CA–7387 WR, withdrawn by Executive Order 5489, dated November 15, 1930.

T. 4 N., R. 2 W.,
Sec. 26, SW¼ (Formerly Lots 1 and 2, N½SW¼).

The area described contains 160 in San Bernardino County, California.

2. Public Water Reserve No. 107, Interpretation 151, CA–7388 WR, designated by Secretary's Order of July 23, 1931.

T. 4 N., R. 2 W.,
Sec. 35, Lot 1.

The area described contains 39.02 acres in San Bernardino County, California.

These withdrawals segregate the land from settlement, non-metalliferous mineral location, sale, or entry in order to perserve for general public purpose and benefit unreserved public lands containing water holes, bodies of water needed or used by the public for watering purposes.

No change in the segregative effect of the withdrawals or the use of the land is proposed.

On or before March 13, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

January 30, 1981.

[FR Doc. 81-4720 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

[SAC-057206 WR, SAC-079389 WR]

California; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the following withdrawals for Protection of Recreation and Public Values:

Mount Diablo Meridian, California

1. Protection of Recreation and Public Values on Goat Island, SAC-057206 WR, withdrawn by PLO 2719 dated July 6, 1962.

T. 29 N., R. 3 W.,
Sec. 3, Lot 7;
Sec. 10, Lot 9.
The area described aggregates 41.16 acres in Shasta County, California.

2. Protection of Public Recreation Areas, SAC-079389 WR, withdrawn by PLO 4925 dated October 19, 1970.

T. 13 N., R. 10 W.,
Sec. 29, S½S½NE¼, N½N½SE¼.
T. 14 N., R. 11 W.,
Sec. 17, Lot 2.
T. 15 N., R. 11 W.,
Sec. 17 SW¼;
Sec. 29, W½;
Sec. 30, Lots 10 and 11.

The areas described aggregate 605.49 acres in Mendocino and Lake Counties, California.

The purpose of the withdrawals is to protect the recreational values within the Goat Island and Cow Mountain Recreation Sites. The land is currently segregated from operation of the public land laws, including location under the U.S. mining laws. No change is proposed in the purpose or segregative effect of the withdawals.

On or before March 13, 1981, all persons who wish to submit comments, suggestions or objections in conncection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

January 30, 1981.

[FR Doc. 4721 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7538 WR]

California; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawal for Public Water Reserve No. 65 on the following lands:

Mount Diablo Meridian, California

T. 36 N., R. 10 E.,
Sec. 6, SE¼NE¼.
T. 32 N., R. 12 E.,
Sec. 12, NE¼NE¼, SE¼NW¼.
T. 34 N., R. 13 E.,
Sec. 32, SW¼SW¼.
T. 22 N., R. 16 E.,
Sec. 10, SE¼NW¼.
T. 36 N., R.17 E.,
Sec. 22, NE¼NW¼.
T. 32 S., R. 47 E.,
Sec. 21, SE¼SW¼.

San Bernardino Meridian, California

T. 12 N., R. 15 E.,
Sec. 3, All.
T. 6 N., R. 7 E.,
Sec. 33, SW¼NW¼.
T. 5 N., R. 18 E.,
Sec. 6, NE¼SE¼.
T. 6 N., R. 18 E.,
Sec. 11, N½SE¼.
T. 5 S., R. 11 E.,
Sec. 11, SE¼SW¼, SW¼SE¼;
Sec. 14, SW¼NE¼.
T. T.11 S., R. 17 E.,

Sec. 10, SW¼SE¼, SE¼SW¼;
Sec. 15, NW¼NE¼, NE¼NW¼.
T. 11 S., R. 21 E.,
Sec. 22, SW¼SW¼;
Sec. 28, NE¼NE¼.

The areas described aggregate 1,440.64 acres in Lassen, Plumas, San Bernardino, Riverside and Imperial Counties.

The withdrawal was created by Executive Order of July 10, 1919, which segregates the land from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit.

No change in the segregative effect of the withdrawal or the use of the land is proposed.

On or before March 13, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the the Bureau of Land Management.

Notice is herby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposed continuation must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determine that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resource. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

January 30, 1981.

[FR Doc. 81-4722 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

[SAC-076813 WR, SAC-079406 WR, SAC-078663 WR, S-4528 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754, 43 U.S.C. 1713) the Bureau of Land Management, U.S. Department of the Interior proposes to continue the withdrawals of the Recreation Sites on the Following lands:

Mount Diablo Meridian, California

1. Douglas City Recreation Site, SAC-076813 WR, withdrawn by PLO 3322 dated January 30, 1964.
T. 32 N., R. 10 W.,
Sec. 12, NE¼NW¼, E½NW¼NW¼.
The Area described aggregates 60 acres in Trinity County, California.

2. Douglas City Recreation Site Expansion, SAC-079406 WR, withdrawn by PLO 3997 dated April 13, 1966.
T. 32 N., R. 10 W.,
Sec. 1, SE¼SW¼;
Sec. 12, W½W½NW¼.
The area described aggregates 80 acres in Trinity County, California.

3. Junction City Recreation Site, SAC-078663 WR, withdrawn by PLO 3702, dated June 10, 1965.
T. 33 N., R. 11 W.,
Sec. 1 Lot 12, NE¼NW¼SW¼, NW¼NE¼S¼.
The area described aggregates 57.99 acres in Trinity County, California.

4. Forks of the Butte Recreation Site, S-4528 WR, withdrawn by PLO 5329 dated January 18, 1973.

A partial continuation is recommended for the Forks of the Butte Recreation site on the following lands:
T .23 N. R. 3 E.,
Sec. 3, Lots 3,4,6,7, unpatented M.S. 3166, S½NW¼, W½SW¼, NE¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, W½NW½SE¼;
Sec. 10, Lot 1.
T. 24 N., R. 3 E.,
Sec. 22, Lots 1 through 5 inclusive, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 26, Lots 1 through 5 inclusive,
Sec. 27, Lots 1 through 7 inclusive, N½SW¼;
Sec. 34, Lots 9 through 22 inclusive.

The areas described aggregate 1681.43 acres in Butte County, California.

The purpose of the withdrawals is to protect the recreational values within the Douglas City, Douglas City Expansion, Junction City, and Forks of the Butte Recreation Sites. The land is currently segregated from operation of the public land laws, including location under the U.S. Mining Laws. No change is proposed in the purpose or segregative effect of the withdrawals.

On or before March 13, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841,

Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

January 30, 1981.

[FR Doc. 81-4723 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7541 WR, CA-7542 WR, CA-7545 WR, CA-7546 WR, CA-7547 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

Pursuant to section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawals of the Public Water Reserves on the following lands:

Mount Diablo Meridian, California

1. Public Water Reserve No. 107, Interpretation No. 61, CA-7541 WR.
T. 36 N., R. 10 E.,
Sec. 6, NE¼SE¼.
T. 33 N., R. 15 E.,
Sec. 22, N½SE¼.

The areas described aggregate 120 acres in Lassen County, California.

2. Public Water Reserve No. 107, Interpretation, CA-7542 WR.
T. 36 N., R. 9 E.,
Sec. 13, NW¼SW¼;
Sec. 14, E½SE¼.

The area descibed aggregates 120 acres in Lassen County, California.

3. Public Water Reserve No. 107, Interpretation, CA-7545 WR.
T. 9 N., R. 6 W.,
Sec. 17, SW¼NE¼.

The area described contains 40 acres in Napa County, California.

4. Public Water Reserve No. 107, Interpretation, CA-7546 WR.
T. 21 N., R. 11 W.,
Sec. 33, SE¼NE¼.

The area described contains 40 acres in Mendocino County, California.

5. Public Water Reserve No. 107, Interpretation, CA-7547 WR.
T. 11 N., R. 5 W.,
Sec. 24, Lot 6.
T. 11 N., R. 4 W.,
Sec. 19, NW¼SE¼.

The areas described aggregate 75.47 acres in Napa County, California.

Public Water Reserve 107 was created by Executive Order dated April 17, 1926. The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit.

No change in segregative effect of the withdrawals of the use or the land is proposed.

On or before March 13, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determine that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

January 30, 1981.

[FR Doc. 4724 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

Gunnison Basin and American Flats/Silverton; Management Framework Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Management Framework Plan Amendment and Environmental Impact Statement preparation: Gunnison Basin Resource Area, Montrose District, Colorado.

SUMMARY: The Bureau of Land Management (BLM) is amending the Gunnison Basin and American Flats/Silverton Management Framework Plans (MFP's), to determine which Wilderness Study Areas (WSA's) in these planning areas should be recommended as being suitable or non-suitable for wilderness designation. An Environmental Impact Statement evaluating the impacts of alternatives developed in the planning amendment will also be prepared. Thirteen WSA's, totaling 76,900 acres of public lands administered by the BLM in southwestern Colorado, will be studied for *suitability* for inclusion into the National Wilderness Preservation System. The area under consideration includes WSA's which are found in Gunnison, Hinsdale, Ouray, La Plata, and San Juan Counties in Colorado.

The BLM's planning regulations (43 CFR Part 1600), Draft Wilderness Management Policy (published in FR/Vol. 46, No. 11/Friday, January 16, 1981), and Draft Wilderness Study Policy (published in FR/Vol. 45, No. 246/Friday, December 19, 1980) will be used as guidance for preparation of the planning amendment and Environmental Impact Statement and for Evaluating the WSA's under study.

Development of planning criteria to be used in evaluating wilderness suitability and identification of issues to be addressed in the planning amendment and environmental impact statement are in progress.

High resource values in the planning area include precious metal and mineral mining, cultural resources, livestock forage, forest resources, dispersed recreation use, scenic values, wildlife habitat, air and water quality, and wilderness.

Area Under Study

On November 14, 1980, Charles W. Luscher, Acting State Director for Colorado, determined that the following areas in the Gunnison Basin and American Flats/Silverton Planning Area are WSA's. His decision became final on December 15, 1980, subject to a 30-day protest period. These are the WSAs under study:

WSA	Acres
Dillon Mesa (CO-030-063)	2,520
Bill Hare Gulch (CO-030-085)	350
Larson Creek (CO-030-086)	880
Sparling Gulch (CO-030-088)	1,120
Redcloud Peak (CO-030-208)	32,800
Slumgullion Slide (CO-030-211)	1,640
Friends Creek (CO-030-213)	720
American Flats (CO-030-217)	3,400
West Needles Contiguous (CO-030-229A)	5,780
Needle Creek (CO-030-229B)	4,200
Whitehead Gulch (CO-030-230B)	5,640
Weminuche Contiguous (CO-030-238B)	1,840
Handies Peak (CO-030-241)	16,100
Total	76,990

Issues In Area

The following is a listing of issues expected to be addressed in the planning amendment and Environmental Impact Statement. These issues have been identified from issues raised at previous public meetings in the planning area, correspondence received, and planning decisions made in the existing Gunnison Basin and American Flats/Silverton MFDs.

1. What is the overall value of the wilderness resource in each WSA?
2. How much would designation of each WSA contribute to expanding the diversity of the National Wilderness Preservation System?
3. What effect would wilderness designation have on potential energy and critical mineral resource values present in the area?
4. What impacts would occur on other resource values from wilderness designation?
5. What impacts would occur on the wilderness values of each WSA as a result of not being designated?
6. What local and regional socio-economic effects would occur as a result of wilderness designation?
7. To what extent is wilderness designation of each WSA consistent with officially adopted resource-related plans of other federal agencies, state and local governments, and Indian tribes in the planning area?
8. What does the public—local, regional, state and national—feel about wilderness designation of any or all of the WSAs under study in the planning area?
9. What minimum requirements must be satisfied before BLM will recommend a WSA as *suitable* for wilderness designation?

Planning Criteria

The following planning criteria will be utilized by the BLM in determining the wilderness suitability recommendation of each WSA under study in the planning area. Each WSA will be evaluated on the basis of these criteria. These criteria have been developed considering the issues to be addressed and are consistent with the *Draft Wilderness Study Policy* of the BLM (published in the **Federal Register** on December 19, 1980). These planning criteria are subject to change as a result of comments received from the public or changes in BLM's *Final Wilderness Study Policy*, when it is adopted.

Criterion No. 1. Evaluation of Wilderness Values

Consider the extent to which each of the following components contributes to the overall value of an area for wilderness purposes:

a. Mandatory wilderness characteristics: the quality of the area's mandatory wilderness characteristics—size, naturalness, and outstanding opportunities for solitude or primitive recreation.

b. Special features: the presence or absence, and the quality, of the following optional wilderness characteristics—ecological, geological, or other features of scientific, educational, scenic, or historical value.

c. Multiple resource benefits: the benefits to other multiple resource values and uses which wilderness designation of the area could ensure.

Criterion No. 2. Diversity in the National Wilderness Preservation System

Consider the extent to which wilderness designation of the area under study would contribute to expanding the diversity of the National Wilderness Preservation System on (1) a state-wide basis, (2) a regional basis, or (3) a national basis, from the standpoint of each of the factors listed below:

a. expanding the diversity of natural systems and features, as represented by ecosystems and landforms;

b. expanding the opportunities for solitude or primitive recreation within a day's driving time (five hours) of major population centers; and

c. balancing the geographic distribution of wilderness areas.

Criterion No. 3. Energy and Critical Mineral Resource Values

Recommendations as to an area's suitability or nonsuitability for wilderness designation will also reflect a thorough consideration of any identified or potential energy and critical mineral resource values present in the area, which are capable of contributing to domestic energy and critical mineral production needs, and the extent to which wilderness management of such areas would be in the public interest.

Criterion No. 4. Impacts on Other Resources

Consider the extent to which other resource values or uses of the area would be foregone or adversely affected as a result of wilderness designation.

Criterion No. 5. Impacts on Wilderness

Consider the alternative use of the land under study if the area is not designated as wilderness and the extent to which the wilderness values of the area would be foregone or adversely affected as a result of this use.

Criterion No. 6. Local and Regional Socio-Economic Effects

In determining whether an area is suitable or nonsuitable for wilderness designation, the BLM will give special attention to any significant socio-economic effects, as identified through the wilderness study process, which designation of the area would have on local communities or surrounding regions.

Criterion No. 7. Consistency with Other Plans

In determining whether an area is suitable or nonsuitable for wilderness designation, the BLM will fully consider and document the extent to which the recommendation is consistent with officially approved and adopted resource-related plans of state and local governments, and Indian tribes, as required by FLPMA and the BLM planning regulations.

Criterion No. 8. Public Comment

In determining whether an area is suitable or nonsuitable for wilderness designation, the BLM wilderness study process will consider comments received from interested and affected publics at all levels—local, state, regional, and national—with special consideration given to the involvement of those local peoples and institutions that would be most directly affected by an area's designation. Wilderness recommendations will not be based on a vote-counting majority rule system. The BLM will develop its recommendations by considering public comment in conjunction with a full analysis of a wilderness study area's multiple resource and socio-economic values and uses.

Criterion No. 9. Requirements for Areas Recommended as Suitable for Wilderness Designation

Areas recommended by BLM as *suitable* for wilderness designation must, at a minimum, satisfy *both* of the following factors:

a. Benefits: The area's identified wilderness values, together with the full range of public benefits which designation would provide to multiple resource values and uses over time, must be sufficient to offset the benefits of other resource values and uses which could be foregone due to wilderness designation; and

b. Manageability: The area must be capable of being effectively managed to preserve its wilderness character in perpetuity.

Planning Team

The Management Framework Plan Amendment will be prepared through use of an interdisciplinary team. Members of the team will include those with experience and knowledge in the following areas: lands, minerals, hydrology, soils, forestry, range, wildlife, recreation, wilderness, archeology, fire, access transportation, visual resources, and social sciences.

Public Involvement

All concerned publics are invited to participate during the planning and Environmental Impact Statement process by attending public meetings and hearings. News releases and use of the Montrose District Advisory Council will supplement direct contact with interested publics.

At this time, the public are invited to submit written comments on issues to be addressed or planning criteria to be used in evaluating for wilderness suitability. Comments will be accepted at any time but would be most useful if received by March 18, 1981. In addition, the public is invited to submit any specific resource data or information about resource values in the WSAs under study, that should be considered by BLM in evaluating wilderness suitability of the WSAs.

Public meetings will be held in March, 1981 in the communities of Lake City, Gunnison, Silverton, Montrose, and Denver, Colorado. Scoping meetings with other federal, state and local government agencies will be held in Montrose and Denver, Colorado in March, 1981. Notices will be sent to persons, groups and agencies who participated in the original preparation of the Gunnison Basin and American Flats/Silverton MFPs or to others who indicate an interest to be involved in the planning amendment and Environmental Impact preparation. News releases will be issued, identifying specific meeting places and times.

Address

Comments or requests for further information should be addressed to Henri Bisson, Chief, Division of Planning and Environmental Coordination, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401, (303) 249–7791; or Cara W. "Bud" Curtis, Area Manager, Gunnison Basin Resource Area, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401, (303) 249–2244.

Availability of Planning Documents

All planning documents relating to existing management of the planning area are available for review at the Montrose District Office. Documents developed during preparation of the planning amendment and Environmental Impact Statement will be available to the public for review at the District or Resource Area Office in Montrose, Colorado.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-4717 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Southeast Oklahoma Management Framework Plan; Underground Minable Coal Reserves

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of the amendment of Southeast Oklahoma Management Framework Plan.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management will amend portions of the Southeast Oklahoma Management Framework Plan (MFP). This action is in response to direction received from the Regional Coal Team for the Western Interior Federal Coal Production Region, Oklahoma Subregion. The MFP will be amended to identify underground minable federal coal reserves available for further consideration for leasing.

SUPPLEMENTARY INFORMATION: The Albuquerque District of the Bureau of Land Management will amend portions of the Southeast Oklahoma Management Framework Plan (MFP), in response to direction received from the Regional Coal Team for the Western Interior Federal Coal Production Region, Oklahoma Subregion. The MFP amendment, planned for completion by June 1981, will incorporate underground minable federal coal reserves, having a high or medium potential for development, into the land use planning process. Management decisions will be made based on the following criteria: The application of unsuitability criteria (43 CFR Part 3461), the resolution of conflicts with existing MFP decisions, and an analysis of those values that could additionally be impacted by further consideration of areas for underground coal development (for example but not limited to rights-of-way, residences, socio-economic values and safety). This effort will allow for the evaluation of the underground reserves, along with previously identified surface minable reserves, in delineating tracts for further leasing consideration.

The area to be addressed for underground reserves involves the Rock Island and Spiro-Bokoshe Known Recoverable Coal Resource Areas (KRCRA). The KRCRAs are located in LeFlore County, Oklahoma and include portions of the following described townships:

Indian Meridian, Oklahoma

Rock Island KRCRA
T. 8 N., R. 26 and 27 E.
Spiro-Bokoshe KRCRA
T. 8 N., R. 24, 25 and 26 E.
T. 9 N., R. 24, 25 and 26 E.

Background standards and procedures for this MFP amendment preparation are contained in 43 CFR Part 3400 and 43 CFR Part 1600. The standards for this review are also discussed in the Final Environmental Statement-Federal Coal Management Program describing the Secretary of Interior's preferred coal program and alternatives, released in April 1979.

During the amendment process an Environmental Assessment (EA) will be conducted by staff specialists of the Oklahoma Resource Area Office of the Albuquerque District. Disciplines to be represented include cultural resources, geology, hydrology, land uses, socio-economics, soils, vegetation, and wildlife.

Public participation opportunities will be provided in the following ways: (1) A review and comment period is provided on this notice, ending 30 days from the date of this publication; (2) A news release will appear in local newspapers, asking interested parties to identify issues of concern and impacts that should be addressed; (3) A notice of intent to amend the MFP will be sent to federal, state, and local governments that would be concerned with the plan or have land use regulatory authority in the vicinity of the proposed amendment, asking them to identify issues and concerns; (4) A draft MFP amendment and EA will be distributed for public review in April 1981. Twenty days will be provided for public review and comment; and (5) Public comments will be considered in preparation of the final amendment and EA, which will be completed and made available to the public in May 1981.

For further information and to respond within the 30-day comment period for review of this notice contact Don Hammack at the Bureau of Land Management, Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma 73102, phone (405) 231–4481. Documents relevant to the planning process are also available for public inspection at the above address.

L. Paul Applegate,

District Manager.

[FR Doc. 81-4726 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Rock Springs District Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under Pub. L. 94–579 and 43 CFR Part 1780.

DATE: March 12, 1981, 9:30 a.m., until 4:00 p.m.

ADDRESS: Best Western Dunmar Motel, Highway 30 West, Evanston, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307–382–5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review of minutes from January 8, 1981, meeting.
2. Discussion on items of interest for future Council meetings.
3. Discussion of community expansion needs and unauthorized occupancy problems and solutions.
4. Public comment period.
5. Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 2:30–3:30 p.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 18699, Rock Springs, Wyoming 82901, by March 9, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) on or before April 13, 1981.

Donald H. Sweep,

District Manager.

[FR Doc. 81-4719 Filed 2-10-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Section 56 Application Nos. 2, 3, and 6]

Western Railroads, Eastern Railroads, and Southern Railroads; Notice of Decision

AGENCY: Interstate Commerce Commission.

ACTION: Amendment to notice of decision.

SUMMARY: The Commission issued a final decision, served January 21, 1981, disapproving the proposed collective ratemaking agreements. Notice of that decision was published at 46 FR 9218, January 28, 1981. Prior interim approval of the existing agreements shall terminate 90 days from January 21, 1981. Several changes have been made in the January decision. These changes are described in the supplementary information below.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, 202–275–7656.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the Traffic Executive Association-Eastern Railroads (TEA) sought clarification of our January 21, 1981 order in two respects:

1. Does the definition of practicable participation adopted for the interim period ending April 20, 1981, contain a commodity or 2-year traffic participation restriction?

2. Do sound recordings of TEA rate committee meetings on which the speakers identify themselves and/or their affiliations comply fully with 49 U.S.C. 10706(a)(3)(D)?

By the January 21, 1981, decision the Commission directed that for the interim 90-day period (ending April 20, 1981) the term "practicably participates" found in 49 U.S.C. 10706(a)(3)(A)(ii) shall be the definition found in *Southern Ports Foreign Frt. Committee—Agreement*, 358 I.C.C. 696 (1978). This limits participation in discussing and voting on interline rate proposals to those carriers who either currently handle the traffic which is the subject of the proposal as an origin, destination, or intermediate carrier, or have done so within the past 2 years. TEA states that the objections to the 2-year traffic participation and the specific commodity restrictions, which were expressed earlier by the parties and which convinced us to remove these two provisions from our final definition of practicable participation, remain valid against this interim definition. To use the present *Southern Ports* definition even for a short period of time would be fundamentally inconsistant with our recognition of the difficulty in complying with these particular provisions.

The Commission finds merit in the TEA argument and consequently directs that the interim definition of "practicably participates", as modified, will be:

> Any carrier which can physically participate in the handling of the traffic which is the subject of the proposal as an origin, destination or intermediate carrier will be considered a practicable participate.

For the purposes of 49 U.S.C. 10706(a)(3)(A)(ii), until April 20, 1981, the above modified *Southern Ports* definition of "practicably participates" is in effect. After that date, "the direct connectors" definition explained in our January 21, 1981, decision will be used. For traffic situations having more than one route between the same end points, 49 U.S.C. 10706(a)(3)(A)(iii) will apply as discussed in our January decision. Pursuant to the approved implementation plans, the interline traffic chosen to be phased into the implementation of 10706(a)(3)(A)(iii) will be under "the direct connectors" definition while the remaining traffic will adhere to the modified *Southern Ports* definition. By January 15, 1982, all interline traffic will be governed by "the direct connectors" definition.

In our January 21, 1981 decision we had directed the rate bureaus to make transcripts of rate committee meetings. Sound recordings were not acceptable because there may be no identification of the speakers. TEA states that the Commission's refusal to accept sound recordings is contrary to 49 U.S.C. 10706(a)(3)(D) and will result in unnecessary expense in maintaining only transcripts of these meetings. Upon reconsideration, the Commission will alter its previous finding and will accept either transcripts or sound recordings providing the latter method includes adequate identification of the speakers.

To the extent that prior findings in the January 21, 1981, decision vary from this amendment, they are modified accordingly. This decision will not significantly affect either the quality of the human environment or conservation of energy resources and will not have an adverse impact on small business.

(49 U.S.C. 10706)

Dated: February 3, 1981.

By the Commission: Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurring. Commissioner Trantum absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4828 Filed 2-10-81; 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-94

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 110288 (Sub-4-2TA), filed January 30, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington Street, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Metal products, railroad car parts, and materials, equipment and supplies used in the manufacture and distribution of same,* between Buffalo, NY., Geneva, IL and Kenosha, WI on the one hand, and on the other, points in NY, PA, OH, AL, GA, MS, TX, KS, WA, CA, LA, AR, TN, IN, IL, OK, IA, and WV. Supporting shipper: Miner Enterprises, Inc., 1200 East State Street, Geneva, IL 60134.

MC 151968 (Sub-4-7), filed January 27, 1981. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Avenue South, Minneapolis, MN 55420. Representative: George L. Hirschbach, 920 West 21st Street, P.O. Box 155, South Sioux City, NE 68776. Contract: Irregular. *such commodities as are dealt in by retail stores* between points in IA, IL, MN, ND, NE and SD under continuing contract(s) with K Mart Corporation. Supporting shipper: K Mart Corporation, 3100 West Big Beaver Road, Troy, MI 48084.

MC 146643 (Sub-4-35TA), filed January 28, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; General commodities (except Classes A and B explosives, commodities in bulk, commodities which because of size or weight require the use of special equipment and household goods as defined by the Commission),* between points in the U.S. (except AK and HI) under contract(s) with W. W. Grainger, Inc. of Chicago, IL. Supporting shipper: W. W. Grainger, Inc., 5959 W. Howard St., Chicago, IL 60648.

MC 95876 (Sub-4-12TA), filed January 28, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. (1) *Motor graders,* and (2) *Parts and accessories* for the commodities in (1) above, from West Columbia, SC to points in the U.S. (except HI). Supporting shipper: Champion Road Machinery International Corp., 107 McQueen St., West Columbia, SC 29169.

MC 118696 (Sub-4-34TA), filed January 29, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Household appliances and parts thereto, radios and televisions, receiving sets, sound recording equipment and materials, equipment and supplies* used in the manufacture, distribution, and sale thereof, between Jefferson County, KY., 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: General Electric Company, Appliance Park, Louisville, KY 40225.

MC 123407 (Sub-4-54TA), filed January 29, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Oil and well drilling pipe and parts thereof, and materials and supplies used in the manufacture and distribution thereof,* between Hennepin County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Tool Tech, Incorporated, Division of Nortec, Incorporated, 3145 Colombia Avenue, N.E., Minneapolis, MN 55418. An underlying ETA seeks 120 days authority.

MC 153417 (Sub-4-1TA), filed January 29, 1981. Applicant: I & D TRUCKING COMPANY, 2915 Edwardsville Road, Granite City, IL 62040. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. *Contract;* Irregular: *Building materials and supplies* between the facilities of Starline, Inc., located at Carencro, LA and their job sites, and points in the U.S. (except AK and HI). Supporting shipper: Starline, Inc., P.O. Drawer G, Carencro, LA 70520.

MC 117730 (Sub-4-10TA), filed January 29, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Lobe Suite 2027, 33 North La Salle Street, Chicago, IL 60602. *Iron and Steel articles,* from Cleveland, OH, and points in its commercial zone to Rockford, IL, and points in its commercial zone. Supporting shipper: Amerock Corporation, 4000 Auburn Street, Rockford, IL 61101.

MC 80430 (Sub-4-14TA), filed January 29, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaze Drive, La Crosse, WI 54601. Representative: Keith J. Margelowsky, (same address as applicant). 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 facilities of the Eli Lilly Corporation, at or near Clinton, IN, as an off-route point in connection with carrier's otherwise authorized authority from and to Terre Haute, IN. An underlying ETA seeks 120 days authority. Supporting Shipper: Eli Lilly

Corporation, 307 East McCarty Street, Indianapolis IN 46285.

MC 126070 (Sub-4–1TA), filed January 29, 1981. Applicant: BERNARD J. HEMMINGER, d.b.a. QUICK VAN LINES, 1801 Griswold Ave, Sterling, IL 61081. Representative: Bernard J. Hemminger, (same address as above). *Such commodities as are dealt in or used by manufacturers and dealers of hardware and home and office applicances,* (except commodities in bulk), between points in the states of IL, IA, and WI. Supporting Shippers: Tri-Cities Sales Co., Inc. 643 E. 59th St., Davenport, IA. 52807, and Lofgren Distributing Company, 1205 4th Ave, Moline, IL 61265.

MC 149497 (Sub-4–18TA), filed January 30, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023 Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicageo, IL 60603. *Contract; Irregular: Such commodities as are dealt in or used by manufacturers of power transformers,* between points in the U.S. under continuing contract with Magnetic Controls Company. An underlying ETA seeks 120 days authority. Supporting shipper: Magnetic Control Company, 920 N. Swift, St. Peter, MN 56002.

MC 124078 (Sub-4–52TA), filed January 30, 1981. Applicant: SCHWERMAN TRUCKING CO, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601 Milwaukee, WI. 53201 *Liquid plasticizer,* from Lima, OH to Cartersville, GA. Supporting shippers: East Coast Chemical Company, P.O. Box 160, Cedar Grove, NJ 07009.

MC 27089 (Sub-4–1), filed January 28, 1981. Applicant: CHIWAUKEE TRUCK LINE, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Frederick W. Smart, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521. *Contract* irregular: (1) Transporting Wines, Cocktail Mixes, Extracts from Chicago, IL to New York, N.Y., Philadelphia, PA, and N.J. under continuing contracts with P.J. Trucking, INC., d.b.a. Trans-Rail. (2) Transporting Cereral Beverages, Malt Beverages and Carbonated Beverages, with related advertising matter from New York, N.Y., Philadelphia, PA., and N.J to Chicago, IL under continuing contracts with Metropolitan Distributors, Inc. Supporting shippers: Metropolitan Distributors, Inc., 1501 W. Pershing Rd., Chicago, IL; P.J. Trucking, Inc., d.b.a. Trans Rail, 3047 S. Cicero Ave., Summit, IL.

MC 145051 (Sub-4–1), filed January 28, 1981. Applicant: PYRAMID TRANSPORTATION CO., 3103 East 79th St., Chicago, IL 60649. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Contract* irregular: *such commodities as are dealt in or used by manufacturers of chemicals between points in the U.S.* (except AK and HI) under continuing contract with Mazer Chemicals, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Mazer Chemicals, Inc., 3938 Porett Drive, Gurnee, IL 60031.

MC 146758 (Sub-4–1), filed January 29, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Mr. Phillip Ladlie, (address same as applicant). *Such commodities dealt in or used by manufacturers and converters of paper and paper products* (except commodities in bulk) from the facilities of Nekoosa Paper, Inc., of Portage & Wood Counties, WI, to all points in TX and FL. An underlying ETA seeks 120 days authority. Supporting shipper: Nekoosa Paper Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469.

MC 124078 (Sub-4–53TA), filed January 29, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Phosphoric acid,* from Charleston, SC to Duart and Wilmington, NC. Supporting shipper: Mobil Chemical, P.O. Box 26683, Richmond, VA 23261.

MC 124078 (Sub-4–54TA), filed January 29, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Salt and salt products,* from the facilities of Domtar Industries, Inc. at Chicago, LaSalle, and East St. Louis, IL; Milwaukee, WI; Dubuque, IA; Mt. Vernon, IN; Cincinnati, OH; Nashville, TN; Louisville, KY; Baltimore, MD; and Cote Blanche, LA to points in the U.S. Supporting shipper: Domtar Industries, Inc., 9950 W. Lawrence Avenue, Suite 400 Schiller Park, IL 60176.

MC 147006 (Sub-4–1TA), filed February 2, 1981. Applicant: ALBERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Appliances, water heaters, heating equipment and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between points in Kankakee County, IL and Chesterfield County, SC on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: A. O. Smith Corporation, Consumer Products Division, P.O. Box 28, Kankakee, IL 60901.

MC 148314 (Sub-4–36TA), filed January 29, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Contract; Irregular:* (1) *Cleaning and washing compounds, and liquids, soap and soap products, textile softeners, food products, toilet preparations and mouthwash, and materials, equipment and supplies* used in the manufacture, sale or distribution thereof, between the facilities of Lever Bros. Company at or near St. Louis, MO; Hammond, IN; and Clearing, IL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, CO and NM, and (2) *Expanded foam, expanded plastic articles,* between Indianapolis, IN, and Reading, PA, on the one and, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK and TX. Supporting shippers: Lever Brothers Company, Lever House, 390 Park Avenue, New York, NY 10022; W. R. Grace & Co., Formpac Division, Tuckerton Road, Box 295, Reading, PA.

MC 153737 (Sub-4–1TA), filed January 19, 1981. Applicant: ED ROSE CARTAGE, INC., 1425 North Sharon Ave., Indianapolis, IN 46222. Representative: Edward Rose (same address as applicant). *General commodities, (except commodities in bulk, Class A and B explosives and Household goods),* between the facilities of Sam Giorgio Skinner, Inc./Delmonico Foods located at Floyd and Clark Counties, IN; Jefferson County, KY, on the one hand, and on the other points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MO, MN, MS, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI. Restricted to facilities of Sam Giorgio Skinner, Inc./ Delmonico Foods. An underlying ETA seeks 120 days authority. Supporting shipper: Sam Giorgio Skinner, Inc/ Delmonico Foods, 2521 So. Floyd St., Louisville, KY 46217.

MC 114457 (Sub-4–19TA), filed January 29, 1981. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Willis, 2102 University Ave., St. Paul, MN 55114. *(1) Pressure-sensitive paper, label stock, self-adhesive paper labels and reinforcements, gum paper, printing and wrapping paper, label machines, plastics and cellulose film, aluminum foil, textile labels and tags, reflective sheeting and (2) materials used in the manufactue of the commodities named in (1) above,* between points in the United States (except AK and HI).

restricted to traffic originating at or destined to the facilities of Avery International. Supporting shipper: Avery International, 250 Chester Street, Painesville, OH 44077.

MC 153800 (Sub-4–1TA), filed January 29, 1981. Applicant: S & B TRUCKING, INC., Route 1, Box 151, Colfax, WI 54730. Representative: John B Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. (1) Hides from points in MT, WY, CO, NM, ND, SD, NE, KS, OK, TX, LA, AZ, MO, IA, MN, and IL to Chippewa and Milwaukee Counties, WI; (2) Green salted hides from Chippewa County, WI to points in NY, TX, IL, MN, MI and MA; (3) Tanning chemicals and supplies from points in NY, MA, NJ, NH, PA, MO, and RI to Milwaukee County, WI; and (4) Leather from Milwaukee County, WI to points in PA, MA, and ME. Supporting shippers: Pfister and Vogel Tanning Company, 1531 North Water St., Milwaukee, WI 53201., Chippewa Falls Rendering Company, P.O. Box 249, Chippewa Falls, WI 54729.

MC 143500 (Sub-4-6TA), filed January 30, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract,* irregular, (1) *metal tubing,* from the facilities of Anaconda Industries Brass Division at Franklin, KY, to points in AZ,UT, OR, WA, CA, and Laredo, TX; and (2) *Cathodes,* from Laredo, TX, to the facilities of Anaconda Industries Brass Division at Buffalo, NY, restricted to a transportation service to be performed under a continuing contract(s) with Anaconda Industries Brass Division of Buffalo, NY. An Underlying ETA Seeks 120 days Authority. Supporting shipper: Anaconda Industries Brass Div., P.O. Box 941, Buffalo, NY 14240.

MC 148480 (Sub-4-1TA), filed January 27, 1981. Applicant: WILSON TRUCKING COMPANY, P.O. Box 162, Red Wing, MN 55066. Representative: 5200 Willson Road, Suite 307, Edina, MN 55424. *Flour,* From Stockton, MN to points in CT, DC, DE, IA, IL, IN, KY, MA, MD, WV, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, AND WI. Supporting shipper: Stockton Roller Mills Co., Inc., P.O. Box 248A, Stockton, MN 55988.

MC 111812 (Sub-2-27TA), filed January 30, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Non-exempt food or kindred products (except commodities in bulk),* between points in the United States (except AK and HI). There are 23 supporting shippers.

MC 153803 (Sub-4-1TA), filed January 29, 1981. Applicant: HELEN B. MIRR, d.b.a. RAY F. MIRR TRUCKING, 202 Norht Fulton Street, Princeton, WI 54941. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract: irregular, Water heaters, parts, and accessories* from Madison, WI to points in CT, DE, FL, ME, MA, MD, NH, NJ, NY, PA, and RI. Restricted to service to be performed under a continuing contract(s) with Bock Corporation, Madison, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Bock Corporation, 110 South Dickinson Street, Madison, WI 53703

MC 153762 (Sub-4-1TA), filed January 27, 1981. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 North 13th Street, Decatur, IN 46733. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market Street, Indianapolis, IN 46204. *Trucks,* between points in Hamilton County, IN, Portage County, OH and Alameda County, CA. Supporting shipper: Davey Tree Expert Co., 117 S. Water St., Kent, OH 44240.

MC 118202 (Sub-4–16TA), filed January 30, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, NN 55402. (1) *Cleaning, scraping and maintenance equipment, materials and supplies;* and (2) *materials, equipment and supplies used* in the manufacture, distribution and sale of the commodities in (1) above. An underlying ETA seeks 120 days authority. Supporting shipper: The Tennant Company, 701 N. Lilac Dr. P.O. Box 1452, Minneapolis, MN 55440. Between points in the Minneapolis-St. Paul Commercial Zone, on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-4–15TA), filed January 30, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, NN 55402. (1) *Vending machines, food and beverage dispensers, coolers, coin handling devices, containers, steel cylinders* and (2) *materials, equipment and supplies used in the manufacture* of (1) above. Supporting shipper: The Cornelius Company, 1 Cornelius Place, Hwy 10 West, Anoka, MN 55303. Between Anoka, MN, San Antonio, TX and Menasha, WI, on the one hand, and on the other points in the U.S.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interest Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 1263 (Sub-5–3TA), filed February 2, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same as above) *General commodities (except Classes A and B explosives and hazardous materials)* between points in Jackson, Clay and Platte Counties, MO and Wyandotte and Johnson Counties, KS, on the one hand, and, on the other, points in NE, IA, MN, WI, IL, IN, AR, OK, MO, KS, OH, MD, MI, LA, TX, ND and SD, restricted to shipments or originating at or destined to the facilities used or utilized by Air Flow, Inc., Paniplus Company and Colgate Palmolive Company. Supporting shippers: 3.

MC 1263 (Sub-5–4TA), filed February 2, 1981. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, MO 64683. Representative: James M. McCarty (same as above). *General commodities (except Classes A and B explosives and hazardous materials,* (1) between points in in Clay, Platte Jackson and Cass Counties, MO Leavenworth, Wyandotte and Johnson Counties, KS, on the one hand, and, on the other, points in the U.S. in and east of ID, UT and AZ; (2) between points in Livingston County, MO, on the one hand, and, on the other, all points in the U.S. in and east of ID, UT and AZ; (3) between all points in the United States in and east of ID, UT and AZ except points in RI, CT, MA, VT, NH and ME, restricted to shipments originating at or destined to the facilities used or utilized by Donaldson Company; and (4) between all points on the U.S., restricted to shipments originating at or destined to the facilities used or utilized by L.T. York, Inc., Purex Corporation, Modine Manufacturing Corporation and Brown Transfer & Storage Co. Applicant intends to tack this authority with its existing authority and to interline at Kansas City, St. Louis and St. Jospeh, MO; Des Moines, IA; Chicago, IL; and Omaha, NE. Supporting shippers: 12.

MC 82841 (Sub-5–5TA), filed February 2, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 T Street, Omaha, NE 68127. Representative: William E. Christensen, 10770 T Street, Omaha, NE 68127. *Composition board and water repelling materials* between points in the U.S. restricted to traffic originating at and/or destined to the facilities utilized by Shepherd Products Co. Supporting shipper: Shepherd Products Company, 1018 Staples Avenue, P.O. Box 427, Kalamazoo, MI 49005.

MC 100666 (Sub-5–13TA), filed February 2, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Plastic pipe* from Lubbock, TX to AL, GA and MS. Supporting shipper: Gifford-Hill & Companies, P.O. Box 2748, Lubbock, TX 79408.

MC 106398 (Sub-5–58TA), filed February 2, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (same as applicant). *Metal, Metal Products and Accessories* Between the facilities of V.A.W. of America, Inc., at Ellenville, NY and St. Augustin, FL, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: V.A.W. of America, Inc., Ellenville, NY 12428.

MC 109593 (Sub-5–3TA), filed February 2, 1981. Applicant: H. R. HILL (an individual), P.O. Box 875, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Contract irregular: *(1) dry dog food and (2) materials, supplies and equipment used in the manufacture of (1),* between Muskogee County, OK and points in TX and LA. Supporting shipper: Cole Grain Company, Box 1289, Muskogee, OK 74401.

MC 119399 (Sub-5–42TA), filed February 2, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Compounds Paint Resin NMFC Item 150090—Sub 1,* from Kansas City MO to New Vienna, OH; Erie and Mt. Carmel, PA; Chicago, IL; New Braunfels, TX; Monticello, IN and Wichita, KS. Supporting shipper: Avecor Midwest, North Kansas City, MO 64116.

MC 119399 (Sub-5–43TA), filed February 2, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Plastic Film or Sheeting, other than cellulose* from Kansas City, KS to Russellville, AR and Omaha, NE. Supporting shipper: Packaging Products Company, Mission, KS 66202.

MC 119399 (Sub-5–44TA), filed February 2, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Candy and Confectioneries* from Olathe, KS to Dallas, TX. Supporting shipper: Russell Stover Candies, Kansas City, MO 64105.

MC 119493 (Sub-5–51TA), filed February 2, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Metal articles and materials and supplies used in the manufacture and distrubution thereof (except commodities in bulk).* Between: OK and TX on the one hand and on the other, points in the U.S. in and east of MT, WY, CO, and NM. Supporting shipper: Virgil J. Abbott, Traffic Manager and Purchasing Agent, Chesterfield Cylinder Co., Inc., US 64 and Raleigh Road, Enid, OK 73701.

MC 119741 (Sub-5–30TA), filed Febraary 2, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Food and related items,* between Berks County, PA, on the one hand, and, on the other, Marion County, IL and St. Louis, MO. (Supporting shipper: Kas Division, Culbro Snack Foods, Inc., 759 W. Second St., Centralia, IL 62801.)

MC 120419 (Sub-5–2), filed February 2, 1981. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Malt Beverages,* from Memphis, TN to Durant and Krebs, OK. Supporting shipper(s): Little Dixie Distributing Co., Inc., 125 N. Katy, Durant, OK 74701.

MC 124236 (Sub-5–15TA), filed February 2, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher, 4645 North Central Expressway, Dallas, TX 75205. *Petroleum Products,* from Jefferson County, TX, to all points in LA. Supporting shipper: Texaco U.S.A., a Division of Texaco Inc., P.O. Box 52332, Houston, TX 77052.

MC 124511 (Sub-5–5TA), filed February 2, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, Esq., 39 South La Salle Street, Chicago, IL 60603. *Iron and Steel Articles,* from the facilities of U.S. Steel Corporation at Chicago, IL and points within its commercial zone, to points in OK and TX. Supporting shipper: U.S. Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410.

MC 124813 (Sub-5–25TA), filed February 2, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Agricultural machinery,* from Clarion, IA, to points in the U.S. (except AK and HI). Supporting shipper: Hagie Manufacturing Company, P.O. Box 273, Clarion, IA 50525

MC 126822 (Sub-5–46TA), filed February 2, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Primary metal products and fabricated metal products* between Buchanan County, MO on the one hand, and points in the U.S. on the other. Supporting shipper: Shamrad Boiler Company, Inc., 8th and Lafayette, St. Joseph, MO 64503.

MC 129908 (Sub-5–43TA), filed February 2, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Chemicals or Allied Products* between UT on the one hand, and on the other, points in the states of OK and TX. Supporting shipper: Custom Milling & Supply, 746 Everett Avenue, Salt Lake City, UT 84116.

MC 133562 (Sub-5–2TA), filed February 2, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway 4, P.O. Box 115, Estherville, IA 51334. Representative: Merle Johnson (same). *Absorbent ground clay* from points in GA to points in IA, MN, ME, MD and SD. *Non-exempt food and kindred products* between Cedar Rapids, IA, to points in the U.S. (except AK and HI). *Petroleum products,* except in bulk from Bradford and Oil City, PA; Congo, WV; Ashland, KY; Port Arthur, TX; Chicago, IL and its commercial zone; Ponca City, OK to points in IA, IL, MN, NE, ND and SD. *Automobile parts, materials and supplies,* from Chicago, IL; Indianapolis, IN; Kansas City, MO; St. Louis, MO and Detroit, MI and their respective commercial zones to points in IA, MN, NE, ND and SD. *Tomato paste and canned goods* from points in CA to points in IA, MN and NE. Supporting shippers: 3.

MC 134922 (Sub-5–8TA), filed February 2, 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. *(1) Malt beverages and related advertising materials,* From Jefferson County, CO to TN, LA, MS and AR and *(2) Empty used beverage containers and materials and supplies used in and dealt with by breweries,* From TN, LA, MS and AR to

Jefferson County, CO. Supporting Shipper: Adolph Coors Company, Golden, CO 80401.

MC 134922 (Sub-5-9TA), filed February 2, 1981. Applicant: B. J. McADAMS, INC., Rt. 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price, Traffic Manager (same as above). *Foodstuffs*, Between the facilities of Vogel's located at or near Little Rock, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: Vogel's, Little Rock, AR 72118.

MC 135070 (Sub-5-34TA), filed February 2, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P. O. Box 81816, Lincoln, NE 68501. *Intravenous fluids, sets, and equipment, pharmaceuticals, bathroom supplies, cleaning supplies, and fixtures*, (1) From Rocky Mount, NC, Chicago, IL, and Amarillo, TX, to Kansas City, MO, and (2) From Chicago, IL, to Baltimore, MD, and Atlanta, GA. Supporting shipper: Ceva Laboratories, Inc., 10560 Barkley Overland Park, KS 66212.

MC 135678 (Sub-5-17TA), filed February 2, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Catalogs, Printed Paper, Printed Advertising, Reading Matter*, between points in AZ, CA, CO, NV, NM, OK, TX, UT and WY. Supporting shipper: Oklahoma Graphics Company, 5400 N.W. 5th, Oklahoma City, OK 73128.

MC 145150 (Sub-5-8TA), filed February 2, 1981. Applicant: HAYNES TRANSPORT CO. INC., P.O. Box 9, R.R. 2, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Motor vehicle fuel*, from Harper, Garfield, Caddo & Beaver County, OK to points in KS west of U.S. Highway 81, U.S. Interstate Highway 135 and U.S. Interstate Highway 35. Supporting shipper: Gary Lowrie, dba Gary Lowrie Oil Co., 705 S. 14th Box 301, Dodge City, KS 67801.

MC 146336 (Sub-5-8TA), filed February 2, 1981. Applicant: WESTERN TRANSPORTATION SYSTEM, INC., 1609-109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas TX 75245. Contract, irregular; *furniture, lighting fixtures; plastic articles-expanded; paper and paper products; and equipment, materials and supplies used in the manufacture and distribution of the above products;* between points in AL, AR, CA, FL, GA, MS, OR, and WA on the one hand; and, on the other, points in the states of AL, AR, AZ, CA, FL, GA, LA, MS, NV, NM, OK, OR, TX, and WA, under continuing contract(s) with Scott Paper Company. Supporting shipper(s): Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 147003 (Sub-5-4TA), filed February 2, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Linclon, NE 68506. *Frozen foods*, between points in Hall and Lancaster counties, NE, on the one hand; and, on the other, points in the U.S. Supporting shipper: Delicous Foods Company, Inc., P.O. Box 730, Grand Island, NE 68801.

MC 148245 (Sub-5-2TA), filed February 2, 1981. Applicant: HENRY ANDERSEN OF TEXAS , INC., P.O. Box 1129, Stratford, TX 79084. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW, Washington, DC 20005. *Foodstuffs, (except commodities in bulk)*, From Alton, Il, Olney, Il and Kaleva, MI to points in AL, AR, AZ, CO, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS MT, NC, ND, NE, NM, NV, NY, OH, PA, SC, SD, TN, TX, UT, WI, WV, and WY. Supporting shipper: National Vinegar Company, Alton, Il 62002.

MC 148740 (Sub-5-1 TA), filed February 2, 1981. Applicant: SPECIALIZED SERVICES, INC., 809 Burleson, Grand Prairie, TX 75050. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Iron and steel tendons, with or without accessories or attachments;* between Garland and Houston, TX on the one hand, and points in the U.S. on the other. Restricted to traffic originating at or destined to the facilities of Concrete Construction Supply, Inc. located at or near Garland or Houston, TX. Supporting shipper(s): Concrete Construction Supply, Inc. 3609 Dividend, Garland TX 75040.

MC 148833 (Sub-5-10TA), filed February 2, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Floor tile and commodities used in the distribution, manufacture and installation of floor tile* (except commodities in bulk), between Cook County, IL, Brooklyn, NY, and Middlesex County, NJ, on the one hand, and, points in the U.S. on the other. Supporting shipper: Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215.

MC 148833 (Sub-5-11TA), filed February 2, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Lumber and wood products* between points in the U.S. for the account of Buckeye Pacific Corporation. Supporting shipper: Buckeye Pacific Corporation, Box 168, Portland, OR 97207. Box 168, Portland, OR 97207.

MC 150592 (Sub-5-6TA), filed February 2, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Meat, meat products, meat by-products, and articles used by and distributed by meat packing houses*, between points in Douglas, Lancaster, and Saline Counties, NE, and Webster, Polk, Carroll, Crawford, Woodbury, and Cherokee Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Farmland Foods, Inc., Dick Porath, General Traffic Manager, P.O. Box 403, Denison, IA 51442.

MC 151768 (Sub-5-7TA), filed February 2, 1981. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, Attorney, Quaintance & Swanson, P.O. Box 1103, Sioux Falls, SD 57171. *Floor tile and commodities used in the distribution, manufacture and installation of tile (except commodities in bulk)*, between the facilities of Kentile Floors, Inc., at Chicago, IL, Brooklyn, NY and South Plainfield, NJ on the one hand, and, on the other, points in the U.S. Supporting shipper: Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215.

MC 151866 (Sub-5-1TA), filed February 2, 1981. Applicant: R. L. JONES & SONS, 4900 E. 12th Street, Kansas City, MO 64127. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068, (816) 781-6000. Contract irregular *(1) Telephone equipment and materials and supplies and (2) equipment, materials and supplies used in the manfacture, sale and distribution of commodities in (1) above*, between all points in the U.S. Supporting shipper: Western Electric Corporation, 777 North Blue Parkway, Lee's Summit, MO 64063.

MC 152292 (Sub-5-3TA), filed February 2, 1981. Applicant: SUNBELT EXPRESS, INC., 3129 Robin Hill Lane, Garland, TX 75042. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *Foodstuffs (except in bulk) and Materials, Supplies and Ingredients used in the manufacture, sale and distribution of foodstuffs* between facilities of Frito Lay, Inc., Arlington, TX; Dallas, TX; Irving, TX Beaverton, OR and Vancouver, WA on the one

hand, and, on the other, San Jose, CA. Supporting shipper: Frito Lay, Inc., P.O. Box 35034, Dallas, TX 75235.

MC 153828 (Sub-5–1TA), filed February 2, 1981. Applicant: WESLEY KENNEMER, d.b.a. W. K. Trucking Co., Route 2, Box 104, Springtown, TX 76802. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *Iron or Steel Articles* from Saginaw, TX to AR, LA, OK, NM and KS. Restricted to shipments originating at facilities of Gorbett-Holloway Fabricators, Inc. Supporting shipper: Gorbett-Holloway Fabricators, Inc., 509 Burlington Rd., Saginaw, TX 76179.

MC 153828 (Sub-5–2TA), filed February 2, 1981. Applicant: WESLEY KENNEMER, d.b.a. W. K. Trucking Co., Route 2, Box 104, Springtown, TX 76802. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. *Pumps and Related Oil Field Equipment* from Saginaw, TX, to AL, CO, KS, LA, MT, OK, and UT. Restricted to shipments originating at the facilities of Flow Fab Manufacturing Co. Supporting shipper: Flow Fab Manufacturing Co., Route 9, Box 224G, Ft. Worth, TX 76179.

MC 153830 (Sub-5–1TA), filed February 2, 1981. Applicant: LORI-MATT CARRIERS, INC., 8803 Meadows Parkway, Omaha, NE 68138. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract;* Irregular. *Frozen beef liver* from Omaha, NE, to all points in the U.S. Supporting shipper: Lakin Meat Processors, Inc., 90th & Dodge Streets, #217, Lakin Building, Omaha, NE 68114.

MC 153830 (Sub-5–2TA), filed February 2, 1981. Applicant: LORI-MATT CARRIERS, INC., 8803 Meadows Parkway, Omaha, NE 68138. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract:* Irregular. *Food and Kindred Products* (1) from Omaha, NE to Des Moines, Sheraton and Cherokee, IA; Topeka, Wichita and Hutchinson, KS; Springfield and Clinton, MO; Champaigne, Urbana and Chicago, IL; LaCrosse, WI; Yankton and Vermillion, SD; Bismarck and Fargo, ND; Minneapolis, St. Paul, Northfield and Hopkins, MN; Cincinnati, OH; Tulsa and Oklahoma City, OK; San Angelo and Dallas TX; Shermantown, PA; and Patterson, NJ and (2) from Santa Anna, Stockton and San Francisco, CA; Dixon and Chicago, IL; Wichita, KS; and Kansas City and St. Louis, MO to Omaha, NE. Supporting shipper: Deli International, Inc., 11003 I Street, Omaha, NE 68137.

MC 153831 (Sub-5–1TA), filed February 2, 1981. Applicant: MONITOR DISTRIBUTING SYSTEMS, INC., 1925 Skyline Drive, Oklahoma City, OK 73125. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Contract;* Irregular. *General commodities, except explosives and commodities in bulk,* between points in OK. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, TX 76010.

MC 153835 (Sub-5–1TA), filed February 2, 1981. Applicant: ROCK-CO TRANSPORT, LTD., 621 Prairie Avenue, Boone, IA 50036. Representative: James M. Hodgé, 1980 Financial Center, Des Moines, IA 50309. *Dry fertilizer,* from Henry, IL, to all points in IA. Supporting shipper: W. R. Grace & Co., Agri. Products Central Region, P.O. Box 742, New Albany, IN 47150.

The following applications were filed in Region 6. Send protest to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 152671 (Sub-6–6TA), filed January 28, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract Carrier,* irregular routes; *defatted wheatgerm,* from Monticello, IL, and the commercial zone thereof, to Portland, OR, and the commercial zone thereof, under continuing contract(s) with Nabisco, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nabisco, Inc., River Road, E. Hanover, NJ 07936.

MC 142889 (Sub-6–1TA), filed January 28, 1981. Applicant: ASSOCIATED FREIGHT LINES, 2403 Willow St., Oakland, CA 94607. Representative: Thomas R. Tuite, 2403 Willow St., Oakland, CA 94607. *Common Carrier: Regular Routes: General Commodities, except household goods as defined by the Commission.* (1) Between Truckee, CA and South Lake Tahoe, CA, serving all intermediate points: From Truckee over Interstate Highway 80 to Junction US Hwy 395, then over US Hwy 395 to Junction US Hwy 50, then over US Hwy 50 to South Lake Tahoe, and return over the same route. There are 17 supporting shippers. Their statements may be examined at the regional office listed.

Note.—Applicant proposes to serve the commerical zones of the above named points, and it also intends to tack and interline.

MC 134534 (Sub-6–1–TA), filed January 28, 1981. Applicant: BASTERRECHEA DISTRIBUTING, INC., 341 Colorado, Gooding, ID 83330. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Beer and wine,* from points in CA to the facilities utilized by Southern Idaho Distributing Co., Inc. at or near Twin Falls, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southern Idaho Distributing Co., Inc., 1640 Kimberly Road, Twin Falls, ID 83301.

MC 42487 (Sub-6–53TA), filed January 29, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr. Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier,* regular route: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, green hides, assembled automobiles, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading),* serving the facilities of Hazel, Inc., at or near Washington, MO, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 270 days. 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 United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States. Supporting shipper: Hazel, Inc., 1200 S. Stafford St., Washington, MO 63090.

MC 42487 (Sub-6–53TA), filed January 29, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr. Menlo Park, CA 940025. Representative: V.R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier,* regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Mansfield Sanitary, Inc., at or near Big Prairie, OH, as an off-route point in connecting with carrier's existing regular route operations, for 270 days. Supporting shipper: Mansfield Sanitary, Inc., 150 First St., Perrysville, OH 44864.

Note.—Applicant intends to tack to its existing authority to permit service to and from points throughout the United States.

Note.—Applicant proposes to interline traffic with its present connecting carriers.

MC 129305 (Sub-6–1TA), filed January 28, 1981. Applicant: D & L CORPORATION, P.O. Box 58, Provo, UT 84601. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Iron and steel articles,* from Seattle, WA

to points in Salt Lake, Utah, Davis, and Weber Counties, UT. ETA seeks up to 120 days authority. Supporting shipper: Bethlehem Steel Corp., 3300 East Saluson, Los Angeles, CA 90058.

MC 139906 (Sub-6-52TA), filed January 28, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Contract carrier; irregular routes: General commodities* (except class A and B explosives and commodities in bulk between points in the U.S. restricted to the transportation of shipments moving under continuing contract(s) with Philipp Bros. Div. of Engelhard Minerals and Chemicals Corp. or its subsidiaries for 270 days. Supporting shipper: Philipp Bros. Div. of Engelhard Minerals & Chemicals Corp., 1221 Ave. of the Americas, New York, NY 10020.

MC 153812 (Sub-6-1TA), filed January 29, 1981. Applicant: JACK DERWOOD HENSLEE, d.b.a. JACQUES HOUCE ENTERPRISES, P.O. Box 9314, Bakersfield, CA 93389. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Lignin liquor, ligno sulfonate and sulphur, spent, liquid, in bulk in tank vehicles* from points in OR and WA to points in CA and from points in CA to points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY. Supporting shipper: Polychem International, Inc., P.O. Box 554, Bakersfield, CA 93302.

MC 153813 (Sub-6-1TA), filed January 29, 1981. Applicant: MIDWEST PACIFIC TRANSPORT, INC., 604 West Meeker, Suite 203, Kent, WA 98031. Representative: Bruce A. Wolf, 2120 Pacific Building, Seattle, WA 98104. *Contract Carrier*, Irregular routes: *Building Materials*, between points in WA, OR, ID, and MT on the one hand and points in MI on the other hand, for the account of Mister Plywood, for 270 days. Supporting shipper: Mister Plywood, 9275 S.W. Canyon, Beaverton, OR 97225.

MC 153813 (Sub-6-2TA), filed January 29, 1981. Applicant: MIDWEST PACIFIC TRANSPORT, INC., 604 West Meeker, Suite 203, Kent, WA 98031. Representative: Bruce A. Wolf, 2120 Pacific Building, Seattle, WA 98104. *Contract Carrier*, Irregular routes: *Iron and Steel Products*, between points in OH, IL, and CA on the one hand and points in WA and OR on the other hand, for the account of Marmon/Keystone, for 270 days. Supporting shipper: Marmon Keystone, P.O. Box 1109, Auburn, WA 98002.

MC 151472 (Sub-6-6TA), filed January 28, 1981. Applicant: PBI FREIGHT SERVICE, P.O. Box 37, Orem, UT 84057. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier*, Irregular routes: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and Classes A and B explosives), between points in UT, WI, KS, MI, OK, PA and NY, for the account of Trans-West Shipper's Association, for 270 days. Supporting shippers: Trans-West Shipper's Association, 3029 East 3215 South, Salt Lake City, UT 84109; the Desenet Company, 9450 South State, Sandy, UT 84070; NRP Hose Products, 255 West 11th North, Nephy, UT 84648.

MC 152398 (Sub-6-2TA), filed January 29, 1981. Applicant: PAN ALASKA TRUCKING, INC., 300 Gull Ave., Anchorage, AK 99501. Representative: Marvin Handler, 100 Pine St., Ste. 2550, San Francisco, CA 94111. *General Commodities*, except Classes A & B explosives, between all points in AK except those in southeastern AK, restricted to traffic having a prior or subsequent movement by water, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sea-Land Service, Inc., 100 W. Harrison St., Suite 505, Seattle, WA 98119.

MC 117786 (Sub-6-23TA), filed January 28, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Paper and paper products* and those commodities used in the manufacture, processing, sale and distribution of paper and paper products, between Green Bay, WI and Muskogee, OK on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, ID, KY, LA, MS, NM, NV, OK, OR, TX, UT, WA, and WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway, Green Bay, WI 54305.

MC 121766 (Sub-6-1TA), filed January 28, 1981. Applicant: S. ROSS TRUCKING CO., INC., 2680 Dunn Rd., Hayward, CA 94545. Representative: Ann M. Pougiales, 100 Bush St., 21st Fl., San Francisco, CA 94104. *Candy and related display materials* from San Francisco and Union City, CA to Seattle, Tacoma, and Everett, WA, Portland, Hillsboro and Beaverton, OR, and their commercial zones for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Licorice Company, 55 Federal Street, San Francisco, CA 94107.

MC 26396 (Sub-6-58TA), filed January 29, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *(1) Iron and steel articles; and (2) parts and components used in the manufacture of equipment*, between Decatur, Peoria, Morton and New Lenox, IL; Burns Harbor and Gary, IN; and Mills, WY, for 270 days. Supporting shipper: Western Oil and Tool Manufacturing Company, Inc., P.O.B. 260, Casper, WY 82602.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4827 Filed 2-10-81 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 4]

Motor Carrier Permanent Authority Decisions; Restriction Removals

Correction

In FR Doc. 81-2161, published at page 7092, in the issue of Thursday, January 22, 1981, make the following correction:

On page 7099, in the application for Belcher Trucking Co., Inc., in the sixth line in the second column, "WA" should read "WV".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-39161 appearing at page 83051 in the issue for Wednesday, December 17, 1980, make the following correction:

On page 83055, in the third column, in paragraph "MC 133690 (Sub-5F)", application of Kingsway Dalewood Limited, in the last line, "ON" should have read "MI".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-3578 appearing on page 10217 in the issue of Monday, February 2, 1981, make the following correction.

In the third paragraph of the first column on page 10218, the date in the third line reading "March 16," should have read "March 19.".

BILLING CODE 1505-01-M

[Volume No. 4]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

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 a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 732 (Sub-15) (Republication), filed April 16, 1979, published in the FR issue of July 31, 1979, and republished, this issue: Applicant: ALBINA TRANSFER CO., INC., 705 N. Cook, Portland, OR 97227. Representative: Lawrence V. Smart, 419 N.W. 23rd Ave., Portland, OR 97210. A Decision of the Commission, *Review Board No. 1*, decided April 11, 1980, and served April 17, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as *common carrier*, by motor vehicle, transporting *calcium carbide*, from Portland, OR, to points in California, Nevada, Washington, and Utah; that 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 broaden applicant's scope of authority.

MC 2900 (Sub-428F) (Republication), filed August 7, 1980, previously noticed in the **Federal Register** issue of August 20, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408–R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same as above). A Decision by the Commission, Review Board Number 2, decided December 22, 1980, and served January 19, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes transporting (1) *lumber, building materials, metal articles, plastic articles, rubber articles, containers, paper and paper products, automotive parts, machines, machine parts, chemicals, photographic materials, electrical appliances and equipment, parts* for electrical appliances and equipment, *medicines, toilet preparations, cleaning compounds, ore products, petroleum products, and beer* (except commodities in bulk, and those requiring special equipment), between Chicago, IL, Minneapolis, MN, Kansas City, MO, Omaha, NE, Oklahoma City, OK, Dallas and Houston, TX, Denver, CO, and Cheyenne, WY, on the one hand, and, on the other, points in AZ, CA, NV, OR, UT, and WA, and (2) *electrical appliances and equipment, parts* for electrical appliances and equipment, *lumber, machines, machine parts, metal articles, plastic articles, and rubber articles* (except commodities in bulk, and those requiring special equipment), between points in AZ, CA, CO, NV, OR, UT, and WA. Applicant is fit, willing, and able to properly 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 include applicant's intent to tack part (1) of the authority sought.

MC 35320 (Sub-337) (Republication), filed July 30, 1979, previously noticed in the **Federal Register** issue of February 20, 1980. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, 2598 74th St., Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). A decision by the Commission, Review Board Number 2, decided September 9, 1980, and served October 6, 1980, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automotive parts and accessories*, between Detroit, MI, on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico at or near Laredo, TX. The purpose of this republication is to include tacking.

Note.—Applicant intends to tack the above authority with its existing regular-route authority.

MC 70832 (Sub-30) (Republication), filed July 18, 1979, published in the **Federal Register** issue February 14, 1980, and republished, this issue: Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: S. Harrison Kahn, Kahn and Kahn, Suite 733, Investment Building, Washington, DC 20005. A Decision of the Commission, *Review Board No. 1*, decided September 9, 1980, and served September 15, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier* by motor vehicle, transporting *general commodities* (except those of unusual value), Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment between Boston, MA, on the one hand, and, on the other, points in Maine on and south of Maine Hwy 25, and points in New Hampshire on and south of a line beginning at the Maine-New Hampshire boundary line and running along New Hampshire Hwy 25 to its intersection with New Hampshire Hwy 104, then along New Hampshire Hwy 104 to its intersection with U.S. Hwy 4, and then along U.S. Hwy 4 to its intersection with the Vermont-New Hampshire boundary line.

Note.—The authority granted here may be tacked or joined with applicant's existing regular and irregular-route authority.

Conditions: The person or persons engaged in common control of applicant and another regulated carrier, Labarnold, Inc., must file an application for approval of the common control under 49 U.S.C. 11343, or submit an affidavit explaining why such approval is not necessary. Any affidavits or requests filed under this condition should be submitted to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423, that 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 show that (1) applicant seeks to tack the proposed service at Boston, MA, with its existing Certificates to provide a through service between the territory sought and existing service points in the Middle Atlantic and New England States and (2) to indicate that applicant and Labarnold, Inc., a contract carrier subject to the Commission's jurisdiction, are under common control.

MC 111320 (Sub-69F) (Republication), filed January 10, 1978, previously noticed in the **Federal Register** issues of March 2, 1978 and June 8, 1978, respectively. Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Larry E. Gresh (same

address as applicant). A Decision by the Commission, Division 1, decided August 28, 1980, and served September 16, 1980, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in interstate or foreigh commerce, over irregular routes, transporting (1) *tractors*, and their attachments (except truck tractors used for pulling highway trailers), *compactors, excavators, motor graders, scrapers, road rollers*, and *dump trucks* for off-highway use, and (2) *parts, attachments*, and *accessories* for the commodities described in part (1) above when moving in mixed loads with the commodities described in part (1) above, from the facilities of Caterpillar Tractor Co., at points in Illinois to points in CO, KS, MS, MT, NE, ND, OK, SD and WY. The purpose of this correction is to include motor graders and scrapers omitted from prior publications.

Note.—Common control may be involved.

MC 116668 (Sub-2) (MIF) (Republication of Notice of Filing Petition for Modification of Certificate), filed May 4, 1979, published in the **Federal Register** issue of November 27, 1979, and republished this issue. Petitioner: GAVIN TRAVEL SERVICE, INC., 1111 Walnut Avenue, Niagara Falls, NY 14301. A Decision of the Commission, Review Board Number 3, decided August 1, 1980, and served August 18, 1980, finds that the present and future public convenience and necessity require modification of Certificate No. MC–116668 Sub 2 (MIF), issued May 19, 1969. On Sheet 2, delete the seasonal restriction (a) after the phrase "seat or seats," and (b) before the phrase, "Beginning and ending at."

MC 134872 (Sub-13) (Republication), filed January 15, 1979, published in the **Federal Register** issue of March 15, 1979, and republished, this issue: Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. A Decision of the Commission, *Review Board No. 2*, decided January 8, 1980, and served January 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *lawn mowers*, (2) *garden and lawn tractors*, (3) *attachments* for the commodities in (1) and (2) above, (4) *snow blowers*, (5) *hand operated rotary tillers*, and (6) *parts* for self-propelled machinery, from Minneapolis and Windom, MN, to ports of entry on the international boundary line between Canada and the United States located at Sault Ste. Marie, Port Huron, and Detroit, MI, and Champlin, NY; that 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 broaden the scope of authority.

MC 139482 (Sub-102) (Republication), filed March 9, 1979, published May 31, 1979, in the **Federal Register** and republished, this issue: Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. A Decision of the Commission, *Review Board No. 3*, decided December 20, 1979, and served January 18, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *paper, paper products, and combination paper and plastic products*, from the facilities of Kimberly-Clark Corporation at Neenah, WI, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio, restricted to the transportation of traffic originating at the named facilities; that 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 broaden commodity description, name shipper facility and to add a restriction.

MC 14620 (Sub-1) (Republication), filed December 26, 1979, published in the **Federal Register** issue of July 3, 1980, and republished, this issue: Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, DE 19711. Representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. A Decision of the Commission, *Division 1*, decided January 8, 1981, and served January 16, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment) between points in New Castle County, DE, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; that 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 broaden the scope of authority.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 2060 (Deviation No. 1), PINE HILL-KINGSTON BUS CORPORATION, d.b.a. PINE HILL TRAILWAYS, P.O. Box 1758, 18 Pine Grove Ave., Kingston, NY 12401, filed January 29, 1981. Carrier's representative: Lawrence E. Lindeman, 1032 Pa. Bldg., Pa. Ave. & 13th St., N.W., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Oneonta, NY, over NY Hwy 23 to junction NY Hwy 23A, then over NY Hwy 23A to junction NY Hwy 42, then over NY Hwy 42 to Shandaken, NY, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Oneonta, NY, over NY Hwy 28 to Shandaken, NY and return over the same route.

MC 2835 (Dev. No. 3), ADIRONDACK TRANSIT LINES, INC., d.b.a. ADIRONDACK TRAILWAYS, P.O. Box 1758, 18 Pine Grove Ave., Kingston, NY 12401, filed January 27, 1981. Carrier's representative: Lawrence E. Lindeman, 1032 Pa. Bldg., PA Ave. & 13th St., NW., Washington, DC 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their*

baggage, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Kingston, NY over NY Hwy 28 to Shandaken, NY, then over NY Hwy 42 to junction NY Hwy 23A, then over NY Hwy 23A to junction NY Hwy 23, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Kingston, NY, over U.S. Hwy 9W to Saugerties, NY, then over NY Hwy 32 to Palenville, NY, then over NY Hwy 23A to junction NY Hwy 296, then over NY Hwy 296 to junction NY Hwy 23, then over NY Hwy 23 to junction NY Hwy 23A, and return over the same route.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4824 Filed 2-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 15]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: February 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operation 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 730 (Sub-522X), filed January 27, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as above). Applicant seeks to modify its lead certificate and Sub-Nos. 81, 272, 428, 510, and 513 to remove all the usual general commodities exceptions except classes A and B explosives from its general commodities authority.

MC 2202 (Sub-657X), filed January 23, 1981. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Washington, DC 20014. Applicants seeks to remove restrictions in MC–106943 (Sub-No. 92), which was granted it in MC–F–13432, with reissued certificate still pending, which authorizes the regular-route transportation of general commodities (with usual exceptions), to (1) remove all restrictions limiting service to a particular shipper's facility, and (2) remove all restrictions on intermediate point service, to allow service at all intermediate points: between Kansas City, KS, and Denver, CO; between Russell, KS, and Great Bend, KS; between Topeka, KS, and junction U.S. Hwy 54 and KS Hwy 99; and between McPherson, KS, and Hutchinson, KS. It also seeks to remove restrictions in the irregular-route portion of the authority which authorizes, in part, the transportation of canned goods, beans, pickles and seed; to (1) broaden the commodity description to authorize "food and related products," and (2) in lieu of one-way authority substitute radial authority (a) between Rocky Ford and points within 25 miles of Rocky Ford, Longmont and points within 50 miles of Longmont, Pueblo County, CO, and Kansas City, St. Joseph, MO, and points in Kansas, and (b) between Kansas City, KS, Kansas City, MO, and points in Kansas, and those in that part of Colorado on and east of U.S. Hwy 87. Applicant also seeks to remove a restriction limiting service on its irregular route general commodity authority between points within 6 miles of Denver, CO, to traffic having a prior or subsequent movement over carrier's line.

MC 42487 (Sub-1015)X, filed January 9, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Applicant holds regular and irregular route general commodity authority throughout much of the United States. It seeks to remove all exceptions to general commodities over its authorized regular routes in the named States in the following Sub-Nos. (these Sub-Nos. do not except authority to transport classes A and B explosives): ID 129, 186, 211, 231, 524, 151, 152, 184, 218, 280, 353, 269, 423; WA 175, 163, 201, 188, 304, 310, 330, 945, 206, 221, and 612; CA 144, 174, 237, 374, and 196; MN 113, 252, 571, 239, 114, 259, and 588; MT 158, 183, 215, 269, 191, 322, 333, 398, 548, 317, 114, 273, and 521; OR 203, 273, 224, 200, 270, 279, 297, 202, 312, 325, 404, and 498; AZ 581, 318, and 387; ND 252, 255, 422, 420, and 259; SD 588; IA 423; CO 426, UT 464; WY 538, 273, and 521; IL 251 and 273; PA 856; and Brownlee Dam site 307. It also seeks to remove exceptions to general commodities except classes A and B explosives in its authorized regular routes in the named States in the following Sub-Nos.: IL 67, 618, 658, 659, 669, 979, 764, and 788; ID 105, 106, 286, 211, 216, and 770; OR 105, 106, 820, and 704; WI 148, 334, 636, 643, 650, 357, 471, 890, and 892; RI 593; MA 593, 579, and 726; MT 216, 188, 831, 865, 879, 896, and 207; UT 315, 151, 152, 585, and 836; AZ 315, 541, 421, 696, 725, 796, 855, 891, 960, 483, 829, and 925; WA 368, 286, 753, 760 and 988; CA 375, 388, 465, 678, 779, 211, 421, 752, 753, 776, 820, and 230; NV 465; NY 796, 597, 601, 841, 573, 668, 724, and 813; TX 885, 710, 876, 891, 907, 924, and 889; LA 885; KY 897, 807, 883, and 919; SC 905 and 749; NC 942, 950, and 966; MN 948; CT 833; PA 595, 596, 616, 690, 695, 734, 774, 778, 780, 825, 845, 847, 858, and 967; MD 595, 618, 681, 782, and 838; NJ 633; MO 710, 787, 789, 799, 865, 878, and 902; KS 725, 727, 796, 865, 924, and 886; NM 725 and 960; TN 727, 787, 789, 799, 907, 762, 805, 830, and 862; OK 727, 969, and 868; GA 787, 860, 866, 874, 884, 893, 965, 987, and 989; AL, 787, 799, and 876; AR 787; OH 794, 851, 698, 812, 898, 990, and 932; WV 794, 851, 879, and 838; NE 831, 865, 879, and 896; WY 831, 865, 440, and 426; MI 673 and 809; CO 426 and 719; IA 865, 839, 854, and 993; IN 979, 702, 850, 887, 917, 934 and 992; MS 816; and FL 994. It also seeks to remove all exceptions to general commodities (these authorities do not except authority to transport classes A and B explosives), remove minimum weight and volume restrictions, remove interline restrictions, and add service to additional or all intermediate points in the named States in its lead authority and the following Sub-Nos.: OR lead, 1, 21, 26, 31, 34, 39, 42, 15, 212, and 278; CA lead, 1, 15, 421, and 485; ID lead, 1, 43,

169, and 534; VA 23; MT lead, 23, 24, 117, 158, 170, 395, and 534; WA lead, 25, 38, 193; NE 28; WI 49, 50; IL 49, 50; MN lead, 50; AZ 421; and ND lead. It also seeks to remove exceptions to general commodities (except classes A and B explosive), remove minimum weight restrictions, remove interline restrictions, and add service to additional or all intermediate points in the named States in the following Sub-Nos.: OR 14, 107, 178, and 299; MT 22 and 23; ID 23, 27, 107, and 227; WA 27, 30, 107, and 246; MN 29; CA 260, 299, 366, and 421; AZ 421; PA 644, 825 and 856; NY 665, 668, 739, and 856; NV 676; TN 786, 797, 903, and 922; KS 822, and 929; CT 833; WV 838; MD 838; MO 848; IN 712, 500, 870 and 938; NC 871; VA 871; IL 712, 500, 877; LA 911 and 951; NE 916; NM 929; OK 929; TX 929; FL 935 and 980; GA 939, 974, and 980; WI 984; MI 712; and KY 500, 674, and 786. It also seeks to remove all exceptions to general commodities in its irregular route authorities in the named States: Sub-No. 45 MN, Sub-No. 518 AZ and to remove exceptions to general commodities (except classes A and B explosives) in its irregular route authorities in the named States: WA, in its Sub-Nos. 138 and 393, SC in its sub-No. 863, and OR in its Sub-No. 299. It also seeks in Sub-No. 147, to remove a minimum weight restriction on fresh fruit at an off route point in WA; in Sub 316 to delete a minimum weight restriction on its irregular route, transporting heavy machinery and contractors supplies radially between points in OR, and, points in WA, and ID; and delete a truckload lot restriction on steel articles from OR to MT; in Sub-No. 335 to remove truckload, minimum weight, and size and weight restrictions on the transportation of specified machinery steel, iron and steel products over irregular routes between points in ID, OR, WA and NV; in Sub-No. 335 to remove exceptions to machinery between points in OR and WA and to remove exceptions to general commodities (except classes A and B explosives) between points in WA; in Sub-No. 383 to remove a mixed-loads restriction on the movement of specified frozen foods between points in OR, WA, CA, IL, MN, MT, CO, UT, WI, WY, IN and NV; in Sub-No. 401 to remove exceptions to general commodities (except classes A, B, and C explosives) over regular routes in UT and serve all intermediate points; to serve all intermediate points in Sub-No. 432 in connection with its authority to transport films and articles associated with the exhibition of motion pictures over regular routes in CO, and in Sub-No. 973 in connection with this authority to transport classes A and B explosives over regular routes in NV and UT. In the following Subs, over regular routes in the named States, it seeks to remove all exceptions to general commodities and remove interlining restrictions: 173 OR, CA; 367, UT, ID; and 823 MO. In the following Subs, over regular routes in the named States, it seeks to remove exceptions to general commodities (except classes A and B explosives) and remove interlining restriction: 172 WI; 249 WY and ID, 590 MD; 639 MI; 692 PA; 747 TN and PA; 751 OR, CA, and NV; 767 AZ, KS, and NM; 815 CA; 821 MO, TN, IN, and KY; 832 AL, MO, and TN; and 857 MO.

It also seeks: in Sub-No. 165, at an off route point in CA, to remove a minimum weight restriction on eggs, fruits, and vegetables and a restriction against interlining. In Sub-No. 176 to remove exceptions to general commodities (except classes A and B explosives), to serve all intermediate points and to authorize service between specified points in WA, ID, and OR. In Sub-No. 269 to remove exceptions to general commodities (except livestock and those requiring special equipment) on regular routes in ID and MT. In Sub-No. 323 to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, to remove an interlining restriction on its routes in MN and WI, and to remove a "pickup" restriction at an off-route point in WI. In Sub-No. 363 over irregular routes in IN, OR, and WA, to broaden the commodity description (a) structural steel and machinery (except machinery used in or incidental to mining operations), (b) machinery, materials, supplies and equipment, used in or incidental to mining operations (except petroleum and petroleum products), in bulk, in tank vehicles, and (c) machinery, which by reason of size or weight requires special equipment, by removing the "size and weight" classification in (C). In Sub 383, in its irregular route authority in OR, WA, WY, and ID, to remove a restriction requiring frozen fish to move in mixed loads with frozen fruits, berries, and vegetables. In Sub 394 over regular routes in CA, to remove exceptions to general commodities (except classes A and B explosives) and to remove minimum weight restrictions. In Sub 431 (a) over regular routes in CO, UT, and WY, to remove exceptions to general commodities (except classes A and B explosives where they had been previously excepted) and to remove commodity restrictions on traffic to termini or off-route points, and (b) over irregular routes between points in CO and WY, to remove exceptions to general commodities, remove minimum weight restrictions and remove a "prior or subsequent movement" restriction. In Sub 444, over irregular routes in OR, to remove a minimum weight restriction on plywood, forest products, lumber mill products and building materials, remove a "size and weight" restriction on construction materials, and construction and contractor's equipment, and remove a restriction against radial traffic between Seattle and Tacoma, WA, and Portland, OR. In Sub 478 over regular routes in WI and IL, to remove exceptions to general commodities (except classes A and B explosives where they had been previously excepted) and to serve all intermediate points. In Sub 484, over irregular routes in CA, to remove a restriction excluding foreign commerce. In Sub 500, over irregular routes in OH, IN, and IL, to remove exceptions to general commodities (except classes A and B explosives) and to remove a truckload lot restriction. In Sub 569, over regular routes in NV, CA and AZ, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, and to remove a restriction which designates which routes traffic originating at or destined to points beyond NV must follow. In Sub 578, over regular routes in PA, WI, IL, and OH, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, to remove interline restrictions and to remove restrictions that require traffic to move on freight forwarder bills of lading. In Sub 646, over regular routes in KS, IN, IA, and IL, to remove exceptions to general commodities (except classes A and B explosives) to serve all or additional intermediate points, to remove restrictions against transporting combines originating at Independence, MO, and destined to points in IL, IA, KS, NE, OK, and TX, to remove restrictions on commodities moving to off-route points in KS, to change one-way to two-way authority at intermediate and off-route points in KS, to remove a restriction against transporting livestock over routes in MO and KS, to remove pickup and delivery restrictions on the transportation of salt at intermediate and off-route points in KS, and to remove interline restrictions. In Sub 670, over irregular routes in AZ, to delete exceptions to general commodities (except classes A and B explosives) and to remove interline restrictions. In Sub 708, over regular routes in TX, OK, MO,

and IL, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, to remove "for purposes of joinder only" restrictions, to remove a restriction against traffic moving radially from, to, or through the Kansas City, KS, commercial zone and points on U.S. Hwy 66, north and east of Tulsa, OK, and to remove a seasonal restriction on pecans moving over irregular routes in OK. In Sub 744, over regular routes in NC, OH, TN, GA, and KY, to remove exceptions to general commodities (except classes A and B explosives), to remove commodity restrictions at off-route points, and to remove interline restrictions. In Sub 834, (a) over regular routes in NH and MA, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, to remove commodity restrictions on service to intermediate points and to remove interline restrictions and (b) over irregular routes in NH, to serve all points within 10 miles of Lee, NH. In Sub 843, over regular routes in WV and MD, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points.

In Sub 864, over regular routes in NJ, PA, and NY, to remove exceptions to general commodities (except classes A and B explosives), to serve all or additional intermediate points, to remove interline restrictions and, over its irregular route portions in NY, to remove exceptions to general commodities (except classes A and B explosives). In Sub 869, over regular routes in MD, OH, PA, VA, and WV, to remove exceptions to general commodities (except classes A and B explosives) to serve all or additional intermediate points, and to remove (a) size and weight restrictions, (b) interline restrictions, and (c) a "prior or subsequent movement by rail" restriction. In Sub 870, over regular routes in IN and IL, to remove a "delivery only" restriction on newspapers moving to named points in IL, to remove exceptions to general commodities (except classes A and B explosives) over its routes in IN, and to serve all or additional intermediate points. In Sub 872, over regular routes in AL, GA, and TN, to remove exceptions to general commodities (except explosives and blasting supplies), to serve all or additional intermediate points, and to remove restrictions against (a) specified trafffic moving between Chattanooga, TN, and Atlanta, GA, (b) interlining, (c) lime that originates at points in AL, and (d) general commodities at named facilities in GA and at a named point in AL. In Sub 880, over regular routes in IN, to remove execptions to general commodities (except classes A and B explosives), to serve all intermediate points, and to remove a restriction against serving named facilities at Clinton, IN. In Sub 881, over regular and irregular routes in NY, to remove exceptions to general commodities (except classes A and B explosives) and to remove a "mixed loads" restriction. In Sub 888, over irregular routes in MO, to remove exceptions to general commodities (except classes A and B explosives), and to remove a restriction against transporting specified commodities from specified facilities in MO. In Sub 900, over regular routes in IA and MN, to remove exceptions to general commodities (except classes A and B explosives), and to remove restrictions against (a) interlining, and (b) the transportation of traffic having both its origin and destination in IL, IA, MN, WI, and a portion of NE. In Sub 912, over regular routes in NY and VT, to remove exceptions to general commodities (except classes A and B explosives) to serve all or additional intermediate points, and to remove (a) "for purposes of joinder only" restrictions and (b) interlining restrictions. In Sub 982, over regular routes in AL and FL, to remove exceptions to general commodities, to serve all or additional intermediate points and to remove "for purposes of joinder only" restrictions.

MC 55889 (Sub-68)X, filed January 23, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconisn Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in the regular route portion of its lead certificate (1) to remove all exceptions from its general commodity authority except "classes A and B explosives," (2) to serve all intermediate points on all regular service routes (except its alternate routes) between named points in FL, GA, AL, and LA, (3) to remove the following restrictions: against the transportation of shipments moving between Jacksonville, FL, on the one hand, and, on the other, Dothan, AL, Columbus, GA, and New Orleans, LA, which originate at and are destined to any of these points, and restricted to the transportation of traffic moving from, to, or through the New Orelans, LA, commercial zone and to remove a restriction in the alternate route portion of its authority restricting service to traffic moving between Mobile, AL, and Pensacola, FL. Applicant also seeks, in the same lead certificate to remove restrictions in its irregular route authority by (1) broadening its commodity descriptions from (a) petroleum products in containers, to "petroleum products," (b) empty petroleum drums, to "metal products," (c) textile products, to "textile mill products," (d) roofing and roofing materials, asphalt tile floor covering, and asbestos wallboard to "building materials," (e) cotton and burlap bags, to "textile mill products," (f) peanut butter in containers or packages, and shelled peanuts, to "food and related products," (g) glass containers, and caps, covers, and tops, to "clay, concrete, glass, and stone products," (h) paper, paper bags, and paper products, to "pulp, paper, and related products," and (i) to remove all exceptions from the general commodity authority, except "classes A and B explosives" (2) broadening its territorial description from one-way authority to radial authority county-wide (a) between points in Plaquemines Parish, Orleans, LA and New Orleans, LA and points in AL within 150 miles of Brewton, AL, including Brewton, (b) between New Orleans, LA, and points in AL within 150 miles of Brewton, AL, including Brewton, and points in FL within 100 miles of Pensacola FL, including Pensacola, (c) between points in Covington County, AL, and New Orleans, LA, (d) between points in Covington County, AL, and points in those parts of AL, FL, GA, LA (east of the Mississippi River), MS, SC, and TN, within 500 miles of Opp, AL, (e) between points in Terrell County, GA, and points in AL and MS, (f) between Mobile County, AL and points in Covington County, AL, (g) between points in Hinds County, MS, and points in Covington County, AL, (h) between points in that part of GA on the south of U.S. Highway 80 and points in Covington County, AL, (i) between New Orleans, LA, and points within 10 miles thereof and Brewton, AL and points in AL and FL within 150 miles of Brewton, AL (j) between points in Mobile County, AL, and points in GA and FL within 350 miles of Mobile, AL, (except Atlanta, GA, and points in that part of FL on and west of U.S. Highway 319), (k) between points in Escambia County, FL, and points in AL and MS, points in that part of GA on and south of U.S. Highway 78, and points in that part of LA on and north of U.S. Highway 90 and on and east of U.S. Highway 165, (l) between points in Lawrence County, MS, and points in Escambia County, FL, and points in AL, and New Orleans, LA.

MC 106074 (Sub-455X), filed January 27, 1981. Applicant: B & P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 2215, Forest City, GA 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Applicant seeks to remove restrictions in its Sub-No. 138 certificate to (1) broaden the commodity description by deleting the "except in bulk" restriction from its general commodities authority, (2) delete the restriction limiting service to the transportation of traffic originating at or destined to named facilities and (3) broaden the territorial description of its radial authority between named base points and points in the U.S. by substituting countywide authority for named base points: from Pasadena to Harris County, TX; Seneca to Oconee County, SC; and Spartanburg and Startex, to Spartanburg County, SC.

MC 110166 (Sub-28X), filed January 27, 1981. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, P.O. Box 100943, Nashville, TN 37210. Representative: Albert L. Johnson (same as above). Applicant seeks to remove a restriction in its Sub-No. 19 certificate which authorizes the transportation of general commodities (with usual exceptions) between Nashville, TN and Memphis, TN serving no intermediate points to broaden its territorial authority by removing the restriction against the transportation of traffic originating at, destined to, or received from or delivered to other carriers at Chattanooga, TN, and points within the commercial zone, or Atlanta, GA, and points within 15 miles thereof.

MC 113855 (Sub-517X), filed January 28, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 258 certificate to (1) elimiante all exceptions in its general commodities authority except "classes A and B explosives," (2) eliminate the restriction "in containers or in trailers;" (3) eliminate the restriction "having an immediately prior to subsequent movement by water, or by water-rail, or by air," and (4) eliminate the restriction against the transportation of traffic to AK and HI.

MC 114301 (Sub-111X), filed January 28, 1981. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-No. 96F certificate to (a) broaden the commodity description from "chemicals" to "chemicals and related products;" (b) eliminate the restriction limiting service to the transportation of traffic originating at and destined to a named shipper at Elkton, MD, (c) broaden Elkton to Cecil County, MD; and in part (2), to broaden its one-way authority to radial authority and to merge parts (1) and (2) into one autority, authorizing service radially between points in Cecil County, MD, and, points in 26 States.

MC 114917 (Sub-10X), filed February 2, 1981. Applicant: DART TRANSPORTATION SERVICE, 1430 S. Eastman Ave., Los Angeles, CA 90023. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Appicant seeks to remove restrictions in its Sub-No. 9F permit to broaden the territorial description to between points in the United States under contract(s) with a named shipper.

MC 118202 (Sub-184X), filed January 26, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to modify its Sub-128F certificate by (1) removing all exceptions to its general commodity authority except classes A and B explosives, (2) removing restrictions limiting service from Philadelphia, PA, Jersey City, NJ, and Chicago, IL, to service from the facilities of named shipper's associations, (3) authorizing radial authority between Philadelphia, Jersey City, and points in IL, MN, MO, and WI, and (4) by removing a restriction limiting service to traffic originating at the named shipper facilities and destined to the named points.

MC 126323 (Sub-4X), filed January 29, 1981. Applicant: W. M. BLEDSOE & SONS, INC., P.O. Box 21 (Hwy 79), Bakerhill, AL 36004. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Applicant seeks to remove restrictions from its Sub-No. 3F permit by (1) broadening the commodity description from bauxite, clay, and calcine to "commodities in bulk", and (2) broadening the territorial description to between points in the United States under continuing contract(s) with a named shipper.

MC 126574 (Sub-11X), filed January 26, 1981. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., P.O. Box 7362, Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its Sub-No. 3 certificate by (1) broadening the commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives) and (2) expanding the territory from Greensboro, NC, to Guilford County, NC (3) replacing one-way with radial authority between Martinsville, Roanoke, Salem, Pulaski, and Blacksburg, VA, and points in Guilford County, NC.

MC 133591 (Sub-127X), filed January 28, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 68F certificate to broaden its commodity description of such commodities as are dealt in by food business houses by (1) eliminating the restriction against the transportation of commodities in bulk, in tank vehicles, and (2) removing the restriction requiring the use of vehicles equipped with mechanical refrigeration.

MC 133591 (Sub-129X), filed January 28, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 67F certificate to (a) broaden its commodity description from (1) electrical appliances and equipment, (2) parts for the commodities in (1), and (3) heating and cooling systems, to "such commodities as are manufactured, dealt in or used by manufacturers of electrical appliances and equipment, and heating and cooling systems;" (b) broaden its city-wide Boonville, MO, authority to county-wide Cooper County, MO, and (c) replace one-way authority with radial between points in Cooper County, MO and St. Louis, MO and points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY.

MC 133591 (Sub-130X), filed January 28, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, Jr., 58 S. Main St., Winchester, KY 40391. Applicant seeks to remove restrictions from its Sub-66F certificate to (1) replace its facilities restrictions with county-wide authority from Sparks, NV to Washoe County, NV; from San Diego, CA to San Diego County, CA; and from Flagstaff, AZ to Coconino County, AZ.

MC 136246 (Sub-46X), filed January 23, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-1, 3, 4, 9,

14, 16F, 17F, 24F, 25F, 26F, 28F, and 33F certificates, to (1) remove all restrictions in the commodity descriptions and authorize in each "chemicals and related products" in lieu of anhydrous ammonia, and fertilizers; (2) substitute specific counties for the specified plantsites and cities, and change one-way authority to authorize radial authority: Sub-1, between Hamilton County, NE, (Murphy, NE), and, points in IA, KS, and MO: Sub-3, between Adams County, NE (Hastings, NE), and, CO, KS, SD, and WY; Sub-4; between Clay County, KS (Clay Center, KS), and, IA, NE, and MO; Sub-9, between Richardson County, NE (Falls City, NE), and IA, KS, and MO; Sub-14, between Buffalo County, NE (Optic, NE), and, KS and CO; Sub-16F, between Hitchcock County, NE (Culbertson, NE), and KS and CO; Sub-17F, between Thayer County, NE (Belvidere, NE), and, KS; Sub-24F, between Hamilton and Gage Counties (Aurora, Beatrice, and Hoag), NE, and KS; Sub-25, between Hamilton and Gage Counties, NE (Aurora and Hoag, NE), and, CO, KS, IA, MN, MO, OK, SD, and WY; Sub-26F, between Red Willow County, NE (Perry, NE), and, CO and KS; Sub-28F, between Gage, Dodge, Cass, and Lancaster Counties, NE (Hoag, Fremont, Greenwood, and Lincoln, NE), and Omaha, NE, and, IA, KS, and MO; and Sub-33F, between Cerro Gordo, Muscatine, Hamilton, and Hardin Counties, IA (Clear Lake, Muscatine, Webster City, and Eldora, IA), and Sioux City, Dubuque, Des Moines, Council Bluffs, and Clinton, IA, and KS, MN, MO, and NE.

MC 139021 (Sub-9X), filed January 28, 1981. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, Michigan City, IN 46360. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-4, 6, and 8 in order to (1) broaden the commodity description in Sub-4 and 6 from used cars and used pickup trucks to "motor vehicles;" (2) remove the restrictions limiting service to movements in truckaway service and in secondary movements in each certificate; (3) remove the restriction limiting service to the transportation of traffic originating at or destined to an automobile auction site in Sub-4 and the named facilities, in Sub-6; (4) replace the plantsite of Bivouac Industries, Inc. at or near Vandalia, MI, in Sub-8 with county-wide authority in Cass County, MI; and (5) broaden the territorial description from one-way authority to radial authority between Cass County, MI, and points in the United States in Sub-8.

MC 139083 (Sub-11X), filed January 26, 1981. Applicant: BUILDING SYSTEMS TRANSPORTATION INC., P.O. Box 142, Washington Courthouse, OH 43160. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-1F, 4F, 8F, and 9F certificates to (1) broaden the commodity descriptions from (a) steel buildings, knocked down, and fabricated metal products to "metal products" in the lead and Sub-1F, (b) buildings, complete, knocked down, or in sections, and building sections and panels; and, iron and steel articles to "rubber and plastic products; pulp, paper and related products; clay, concrete, glass, or stone products; and metal products" in Sub-8F, and (c) pipe, and pipe fittings, coupling, connectors, and accessories to "metal products; clay, concrete, glass, or stone products; pulp, paper and related products; rubber and plastic products; and lumber and wood products" in Sub-4F and 9F; (2) replace counties for specified facilities and cities: Fayette County, OH, for Washington Court House, OH, in the lead and Sub-1F; Fayette County, OH for facilities in that county and Boyde County, KY, for Ashland, KY in Sub-8F, Franklin County, PA, for Greencastle, PA in Sub-4F, and Wood County, OH, for Bowling Green, OH, in Sub-9F; (3) broaden the one-way authority to radial authority between the named counties and named eastern and midwestern States; (4) remove the restriction excepting iron and steel and against the transportation of commodities which because of size or weight require the use of special equipment in Sub-4F; and (5) remove the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations in Sub-9F.

MC 139906 (Sub-138X), filed January 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2165 West 2200 South, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-33 and 39F certificates to: (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (2) in Sub-33, remove a restriction limiting service to the transportation of shipments originating at the facilities of a named Shippers Association at Long Beach and Compton, CA; authorize county-wide authority in Los Angeles County, CA, in place of the above facilities and authorize radial service between Los Angeles County, and points in the United States (except AZ, CO, FL, GA, IL, NE, NM, NC, SC, and TX, and 6 named midwestern cities and their commercial zones; (3) in Sub-39, replace a named plantsite with city-wide authority and authorize radial service between Los Angeles, Long Beach, San Francisco, and Oakland, CA, and, points in the United States in and east of MN, IA, NE, KS, OK, and TX; and to remove a restriction limiting service to the transportation of traffic having a prior movement by water.

MC 141867 (Sub-26X), filed January 27, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to broaden the authority in its Sub-15F certificate by (1) removing the restriction which limits services to the transportation of traffic originating at facilities used by a named shipper, and, (2) replacing one-way authority with radial authority between points in Alameda County, CA, and points in OR, UT, and WA.

MC 145026 (Sub-13X), filed January 23, 1981. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Avenue, Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd Street, Clearfield, PA 16830. Applicant seeks to remove restrictions from its lead and Sub-2F, 5F, 7F, 8F, and 9F certificates. In the lead and Sub-2F and 5F certificates, it seeks to broaden the commodity description from frozen foodstuffs, bananas and agricultural commodities, and edible flour compounds, respectively, to "food and materials and supplies used in the processing and distribution of foodstuffs." Applicant seeks to broaden its territorial authority to county-wide authority as follows: Cumberland County, NJ, for Vineland, NJ, in the lead certificate; Essex and Bristol Counties, MA, for Gloucester and New Bedford, MA, in Sub-5F; Sussex County, DE, for Millsboro, DE, in Sub-7F; and, Montgomery, Lehigh, and Wyoming Counties, PA, for Pottstown, Fogelsville, and Lake Winola, PA, in Sub-9F. Applicant also seeks to remove plantsite limitations on its authority to transport foodstuffs between (a) Baltimore, MD, its commercial zone, Anne Arundel, Howard, and Prince Georges Counties, MD, and CT, MA, RI, NH, VT, ME, NY, PA, NJ, VA, DE, OH, IN, MI, WV, IL, and KS, in Sub-8F, and (b) Philadelphia, PA, its commercial zone, Montgomery, Lehigh, and Wyoming Counties, PA, and NY, CT, PA, RI, MA, ME, NH, VT, MD, VA, WV, DE, OH, and NC, in Sub-9F.

Applicant seeks to broaden the one-way authority to radial authority between (a) Cumberland County, NJ, and points in CT, MA, ME, NH, RI, and VT, in its lead certificate (b) Norfolk, VA, and, points in MD, PA, VA, NJ, NY, CT, RI, MA, VT, NH, ME, OH, IN, KY, IL, IA, WI, MI, MN, MO, and DC, in Sub-2F, (c) Cleveland, OH, and points in Essex and Bristol Counties, MA, in Sub-5F, and (d) Sussex County, DE, and, points in ME, VT, NH, RI, MA, CT, NY, NJ, PA, MD, WV, SC, NC, GA, FL, and VA, in Sub-7F. In the lead and Sub-7F, 8F, and 9F certificates, it seeks to remove restrictions limiting service to the transportation of traffic originating at named plantsite facilities or destined to named facilities or destinations.

MC 145034 (Sub-2X), filed January 29, 1981. Applicant: SKY TRUCKING CO., 2163 Hancock, San Diego, CA 92110. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," (2) eliminate the restriction limiting transportation to shipments in containers, (3) remove the restriction of traffic having an immediately prior or subsequent movement by water, and (4) broaden the territorial description from the city of Los Angeles, CA, to county-wide authority in Los Angeles County, CA.

MC 145770 (Sub-1X), filed January 26, 1981. Applicant: KEITH JUSTICE, d.b.a. JUSTICE TRUCKING, 128 Hillside Drive, Minden, IA 51553. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions from its lead certificate which authorizes the transportation of meats, meat products and meat by-products and articles distributed by meat packinghouses, as described in Section 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, in tank vehicles), from the facilities of a named shipper at Omaha, NE to points in IL, IN, IA, KS, MI, MO, OH, and WI, restricted to the transportation of traffic originating at the named facilities and destined to points in the named destination states. Applicant seeks to (1) broaden the commodity description to "food and related products", and (2) delete the "in bulk" and "hides" restriction; replace the plantsite restriction with city-wide authority; delete the restriction limiting service to originating at or destined to the named points; and authorize radial authority between Omaha, NE, on the one hand, and, on the other, points in the above-named destination points.

MC 145955 (Sub-22X), filed January 27, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Permit No. MC-59694 by (1) broadening the commodity description from packinghouse products, supplies, materials, and equipment to "food and related products," and (2) broadening the territorial authority from radial authority between Chicago, IL, Sioux City, IA, and Omaha, NE, to between points in the United States.

MC 146553 (Sub-17X), filed January 2, 1981. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrtictions from its Permits Nos. MC-146522 (Sub-4F, 5F, 7F, and 8F) to (1) change the commodity descriptions of malt beverages and bakery goods to "food and related products" in Sub-5F and 8F, (2) delete the except commodities in bulk restrictions in Sub-4F, 7F and 8F, and (3) authorize non-radial authority between points in the U.S. in each of the above permits under a continuing contract(s) with named shippers.

MC 146754 (Sub-7X), filed January 26, 1981. Applicant: TENNANT TRUCK LINES, INC., RR 1, P.O. Box 233, Orion, IL 61273. Representative: Joseph Winters, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-1F certificate to (1) remove the "except in bulk" restriction, (2) remove the restriction limiting service to the transportation of traffic originating at or destined to named facilities, and (3) broaden the territorial authority by removing the plantsite limitation at East Moline, Moline, and Rock Island, IL.

MC 146989 (Sub-8X), filed January 30, 1981. Applicant: GOLDEN-HAMMONS CARTAGE CO., INC. d.b.a. G & H CARTAGE, 1749 Florida St., Memphis, TN 38109. Representative: Ralph D. Golden, Suite 2348, 100 N. Main Bldg., Memphis, TN 38103. Applicant seeks to remove a restriction in its Sub-3 certificate which authorizes the transportation of general commodities (with the usual exceptions), which are at the time moving on bills of lading of freight forwarders under 49 U.S.C. § 10102(8). Applicant seeks to eliminate the restriction which limits service to the transportation of traffic moving on the bills of lading of freight forwarders.

MC 147951 (Sub-4X), filed January 27, 1981. Applicant: YOURLINE, INC., 3540 E. 26th St., Los Angeles, CA 90023. Representative: Milton W. Flack, 8383 Wilshire Blvd. Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-3F permit to (a) broaden the commodity description by deleting restriction against commodities "in bulk" and those which because of size or weight require special equipment from its authority to transport (1) such commodities as are dealt in by retail furniture stores and (2) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above, and (b) broadening the territorial authority to be between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-4825 Filed 2-10-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP2-004]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: February 4, 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.s., 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 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 45 days from date of publication (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 No. 3, Members Parker, Fortier, and Hill (Board Member Parker not participating).

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 115022 (Sub-33), filed January 12, 1981. Applicant: CHAMBERLAIN MOBILE HOME TRANSPORT, INC., 64 East Main St., Thomaston, CT 06787. Representative: Bernard J. Hasson, Jr., 306 Carry Bldg., 927 15th St. NW., Washington, DC 20005. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 133703 (Sub-9), filed January 21, 1981. Applicant: WCS, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151742 (Sub-3), filed January 21, 1981. Applicant: TEAM TRANSPORT, INC., 132 Phillips Ave., Niles, OH 44446. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 232-3505. Transporting, for or behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153633, filed January 13, 1981. Applicant: FREIGHT ASSEMBLY DISTRIBUTION, INC., 740 24th Street, Detroit, MI 48216. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-4823 Filed 2-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-007]

Motor Carrier Permanent Authority Decisions Decision-Notice

Decided: February 5, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may

have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3 Members Parker, Fortier and Hill. Member Parker not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 126973 (Sub-6), filed October 3, 1979. Applicant: CLEMENT BRESINA, d.b.a. CLEMENT BRESINA, Route 1, Box 69, Chippewa Falls, WI 54729. Representative: James T. Flescher, 1745 University Ave., St. Paul, MN 55104. Transporting *feed and feed ingredients*, in bulk, from Minneapolis, MN, to points in WI, restricted to traffic originating at the facilities of Cargill, Inc.

MC 150963F, filed June 2, 1980, published in the **Federal Register** issue of July 15, 1980, and republished, as corrected, this issue. Applicant: MID-CONTINENT DELIVERY, INC., 10201 North Everton Ave., Kansas City, MO 64153. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Chicago, IL, on the one hand, and, on the other, points in IA, NE, and KS (except those in the Kansas City, MO–KS commercial zone), (2) between Moline, IL, on the one hand, and, on the other, points in IA, NE, and KS, and (3) between Kansas City, MO, on the one and, and, on the other, points in KS.

The purpose of this republication is to remove the restriction "restricted to traffic having an immediately prior or subsequent movement by air".

[FR Doc. 81-4822 Filed 2-10-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 16]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: February 5, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 22509 (Sub-35)X, filed January 28, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, Jr., 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Subs 3 and 16F certificates to (1) broaden the commodity descriptions from insulating products, insulating and named insulation items to "such commodities as are dealt in or used by manufacturers of insulation and insulation materials," (2) remove an in bulk restriction, and (3) change the territory description (a) by substituting Shawnee County, KS, for the named facilities at Pauline, KS, and (b) by changing one-way authority from Pauline and Kansas City, KS, to points in IL, IN, MO, AR, LA, OK, TX, KY, TN, and a portion of IA, in Sub 16F and to points in MN, NE, WI, and a portion of Iowa in Sub-No. 3 to radial authority.

MC 56270 (Sub-51)X, filed January 26, 1981. Applicant: LEICHT TRANSFER AND STORAGE CO., 1401 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: Alki E. Scopelitis, Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 12 certificate to (1) broaden the commodity description from articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, to "machinery."

MC 105007 (Sub-72)X, filed January 30, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John

Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seks to remove restrictions in its Sub-Nos. 26 and 67F certificates which authorize the transportation of (1) new furniture, store fixtures and furnishings and (2) materials, equipment and supplies used in the manufacture of new furniture, store fixtures and furnishings, to broaden its city-wide authority to county-wide and one-way authority to radial (a) in Sub-No. 26 between points in Freeborn County, MN (from Albert Lea, MN), and points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, ND, OH, OK, PA, SD, TX and WY; (b) and in Sub-No. 67F between points in Freeborn County, MN and points in AL, CT, DE, FL, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, WV and DC; and remove restriction in Sub-No. 67F limiting traffic originating at or destined to named facilities.

MC 116886 (Sub-43)X, filed January 27, 1981. Applicant: HOWELL'S MOTOR FREIGHT, INC., P.O. Box 12308, Roanoke, VA 24024. Representative: Charles A. Webb, Suite 1111, 1828–L Street, N.W., Washington, DC 20036. Applicant seeks to remove the restrictions in its Sub-No. 38 certificate to (1) broaden the commodity description from meats, meat products and meat by-products, dairy products, and commodities distributed by meat packinghouses, as described in sections A, B and C of Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766, foodstuffs and frozen pizza to "food and related products", and (2) eliminate the "except commodities in bulk, in tank vehicles, canned foodstuffs, frozen foods, and frozen meats having prior movement by water from Norfolk, VA and points within its commercial zone, in vehicles equipped with mechanical refrigeration, and transportation of shipments having an immediate prior movement by rail, truck, or water" restrictions, to authorize service between points in NC, SC, VA, points in GA on the east of U.S. Hwy I–75, points in WV on and south of U.S. Hwy 60 and points in TN on and east of U.S. Hwy 27, restricted against the transportation of shipments from points in Knox County, TN and Chattanooga, TN.

MC 125808 (Sub-8X), filed February 2, 1981. Applicant: AACON AUTO TRANSPORT, INC., 230 W. 41st Street, New York, NY 10036. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to modify its Sub-No. 1 certificate by (1) broadening the commodity description from "used passenger automobiles" to "transportation equipment," (2) by changing the territory description "between points in the U.S. (except HI)" by deleting the exception, (3) by eliminating the restrictions against (a) transportation of shipments having a prior or subsequent movement by rail or water, and (b) moving to automobile dealers, and (4) by deleting "in driveaway service in secondary movement."

MC 129414 (Sub-7X), filed January 27, 1981. Applicant: BELL & MOONEY, INC., P.O. Box 9, Evans, CO 80620. Representative: Steven K. Kahlmann, 2600 Energy Center, 717–17th St., Denver, CO 80202 Applicant seeks to remove restrictions from its Sub-No. 5F certificate by (a) broadening its commodity description from asphalt and residual fuel oil, in bulk, in tank vehicles, to "petroleum, natural gas, and their products," and (b) broadening its territorial description from one-way authority to radial authorty in part (2) "between points in CO and WY, and points in specified portions of NE and SD."

MC 133591 (Sub-128X), filed January 28, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub 61F certificate to (1) delete the exceptions "food stuffs, alcoholic beverages and commodities in bulk" from the description "such commodities as are dealt in or used by wholesale and retail discount, or variety stores", (2) replace Searcy with White County, AR, Bentonville with Benton County, AR, and Springfield with Greene County, MO, and (3) replace one-way authority with radial authority between the points named in (2), points in a portion TX, and points in CA, OR, and WA.

MC 133591 (Sub-132X), filed February 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 86F certificate to (1) broaden its commodity authority from foodstuffs (except commodities in bulk) to "food and related products"; (2) broaden its city-wide Springfield, MO authority to county-wide Greene County, MO and (3) replace one-way authority with radial between Greene County, MO and points in LA, AR, TX, KS, OK, NE, CO, NM, AZ, UT, IA and IL.

MC 138627 (Sub-106X), filed January 26, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 62F and 81F certificates by (1) broadening its commodity descriptions (a) from iron and steel articles and materials equipment, and supplies, used in the manufacture of iron and steel articles (except commodities in bulk) to "metal products and materials, equipment, and supplies used in the manufacture of metal products," in Sub-No. 62F, (b) from iron and steel articles, to "metal products" in Sub-No. 81F (2) replacing plansite restrictions (a) from facilities at Newport, MN to "Minneapolis-St. Paul, MN" in Sub-No. 62F, and (b) from facilities at St. Paul, MN, to "Minneapolis-St. Paul, MN", in Sub-No. 81F, (3) removing the restriction against transportation to points in AK and HI, and the commodities in bulk restriction in Sub-No. 62F, and (4) broadening its territorial description from one-way authority to radial authority between Minneapolis-St. Paul, MN and points in AR, IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, OK, OR, SD, TN, WA, WV, WI, and WY in Sub-No. 81F.

MC 138956 (Sub-20)X, filed January 29, 1981. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, MS 39201. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 6, 7, 9F, 10F, and 15F to (1) broaden the commodity descriptions to "commodities in bulk" from its bulk authority to handle specified commodities such as (a) in Sub-No. 2, water, drilling mud, oil spillage, and basic sediments (b) in Sub-Nos. 9F, 10F, and 11F, petroleum crude oil and petroleum crude oil condensates, and (c) in Sub-No. 15F, barite; (2) expand territory from plantsite facilities to counties: Tishomingo County, MS, for Yellow Creek Port Terminal and Industrial Area located in Tishomingo County, MS in Sub-No. 6; Shelby County, TN, for Ergon, Inc. at or near Memphis, TN, Mississippi County, AR, for Ergon, Inc., at or near Barfield, AR, and Arkansas-Missouri Power Co. at or near Blytheville, AR, Washington County, MS, for Ergon, Inc. at or near Greenville, MS, Warren County, MS, for Ergon, Inc. at or near Vicksburg, MS, and Hamilton County, TN, for Ergon, Inc. at or near Chattanooga, TN, in Sub-No. 7; and Warren County, MS, for Ergon Refining, Inc. at Vicksburg, MS, in Sub-No. 11F; (3) replace one-way authority with radial authority between: (a) Tishomingo County, MS, and AR, GA, KY, and TN in Sub-No. 6; (b) Shelby

County, TN, and AL, AR, KY, MS, and MO, Washington County, MS, and AR and TN, Warren County, MS and AR, Hamilton County, TN, and AL, GA, KY, NC, SC, and TN, and between points in Mississippi County, AR, in Sub-No. 7; (c) Warren county, MS and TX in Sub-No. 11F; and (d) TX, and LA and MS; (4) remove the "in tank vehicles" restriction in Sub-Nos. 6, 7, 11F and 15F; and (5) remove the restriction limiting service to the transportation of traffic having a prior movement by water in Sub-No. 7.

MC 141684 (Sub-8)X, filed January 26, 1981. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore Dr., Baltimore, MD 21224. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 4F, and 6F certificates to (1) remove all exceptions in the general commodity authority except "classes A and B explosives" in the lead and Sub-Nos. 4F and 6F; (2) broaden the commodity description in Sub-No. 2F from phonograph records, tapes, and sound equipment components to "machinery"; (3) remove the restrictions against the transportation of (a) articles weighing in the aggregate more than 150 pounds in the lead, and 350 pounds in Sub-Nos. 4F and 6F; (b) tissue cultures and biological products to or from points in Howard, Montgomery, and Frederick Counties, MD and the District of Columbia in the lead and Sub-No. 4F, and radially between Baltimore, MD, and Howard, Frederick, Montgomery Counties, MD, and the District of Columbia, in Sub-No. 6F, and (c) live laboratory animals in the lead.

MC 142715 (Sub-114)X, filed January 27, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 44F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" (2) broaden the territorial description by removing the restriction against service from Alexandria, LA to points in MS, AL and FL.

MC 143059 (Sub-154)X, filed January 26, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 26F, 49F, 65F, 71F, 75F, 95F, 108F, and 111F certificates, to (1) broaden the commodity authority in each to "metal products," from: iron and steel articles in Subs 65F, 71F, 108F, and 111F; steel products in Subs 49F, 75F, and 95F; electric light poles and wire poles in Sub 26F; (2) remove exceptions to traffic moving to AK and HI in Subs 26F, 65F, and 71F; (3) change transportation of traffic from one way to round-trip service, and remove all restrictions limiting service to transportation of traffic originating at a particular shipper facility to authorize radial service between named origins and generally points in the United States; and, (4) expand the territorial description to authorize county-wide authority to: Houston County, TX, from Grapeland, TX, in Sub 49F; Jefferson County, AL, from Birmingham, AL, in Sub 75F; Cayuga County, NY from Auburn, NY, Madisonville and Kankakee Counties, IL, from Alton and Kankakee, IL, Marion County, OH, from Marion, OH, Howard and DeKalb Counties, IN, from Kokomo and Butler, IN, Surry County, NC, from Mt. Airy, NC, and Dauphin County, PA, from Steelton, PA, in Sub 95F; McHenry County, IL from Marengo, IL and Kent County, MI, from Grand Rapids, MI, in Sub 108F.

MC 143853 (Sub-14)X, filed January 29, 1981. Applicant: S.M.E. EXPRESS, INC., 101 E. Washington St., Upland, IN 46989. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions from its lead permit and Sub-Nos. 2F, and 7F which authorize the transportation of printed matter (and in Sub-No. 7F, materials, equipment, and supplies (except in bulk)), and 8F and 11F which authorize the transportation of such commodities as are dealt in or used by cosmetics manufacturers (except commodities in bulk) (a) from specified points in MD and TN to points in 9 eastern States and the District of Columbia and (b) from or between named facilities and specified points, with certain exceptions, under contract(s) with 3 named shippers. Applicant seeks to (1) add materials, equipment, and supplies used in the manufacture, sale, and distribution of the commodities already authorized above, and (2) authorize non-radial authority between points in the United States under contract(s) with named shippers.

MC 144741 (Sub-4X), filed January 30, 1981. Applicant: NETTLETON ENTERPRISES COMPANY, INC., d.b.a. NORWOOD TRANSPORT, INC., Route 1, Box 96, Elgin, IL 60120. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from industrial machinery and construction equipment requiring the use of special equipment to "machinery and those commodities which because of size or weight require the use of special handling or equipment."

MC 144922 (Sub-8X), filed January 23, 1981. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507–B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. Applicant seeks to modify its Sub 2 certificate, which authorizes the transportation of (1) jute, polypropylene (except in bulk), wire, and flat ties, from points in LA, MS, GA, NC, and SC, to Clarksdale, MS, and (2) bags, wire and flat ties, from Clarksdale, MS, to points in CA, AZ, NM and TX, by deleting the "in bulk" restriction and by authorizing radial service in each part. In its Sub 4F certificate it seeks to modify its authoriy to transport meats, meat products and meat by products dairy products, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business, as described in Descriptions in Motor Carrier Certificate, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, between named facilities at Birmingham, AL, on the one hand, and, on the other, points in the U.S. by eliminating (1) the plantsite limitation, (2) the restriction against the transportation of gides and commodities in bulk, and (3) the restriction requiring the use vehicles equipped with mechanical refrigeration.

MC 146293 (Sub-73X), filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettlebaum, Fifth Floor, Lenox Towers S, 2290 Peachtree Rd., N.E. Applicant seeks to remove restrictions in its Sub 13F certificate (a) to broaden the commodity description from "polystyrene shapes and forms" to "rubber and plastic products" (2) by removing the exception of AK and HI to provide service from points in WA, CA, TX, GA and IN, to points in the U.S.

MC 147062 (Sub-11)X, filed January 27, 1981. Applicant: EXPRESS TRANSPORTATION COMPANY, P.O. Box 789, Chattanooga, TN 37401. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions from its Sub-No. 5F certificate which authorizes the transportation 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 the use of special equipment) radially between points in AL, GA, and TN, and points in IL, IN, MI, MO, and WI, restricted to the transportation of traffic originating at or destined to the facilities of a named shipper's Association by (1) broadening the commodity description to "general commodities (except household goods and classes A and B explosives)," and (2) removing the restriction limiting transportation to traffic originating at or destined to the facilities of the named shipper's Association.

MC 147517 (Sub-5)X, filed January 28, 1981. Applicant: TEXAS HIGHWAY TRANSPORT, INC., 2311 Butler St., Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. 45538, Dallas, TX 75235. Applicant seeks to remove restrictions from its Sub-Nos. 3F and 4F certificates which authorize the transportation of general commodities (with the usual exceptions), (a) in Sub-No. 3F between points in specified TX counties, restricted to traffic having a prior or subsequent movement by rail and (b) in Sub-No. 4F, moving on freight forwarder bills of lading, from named facilities at Chicago, IL to named facilities in 8 TX cities. Applicant seeks to (1) delete from the general commodity description all exceptions except for classes A and B explosives; (2) eliminate the restriction limiting service to traffic having a prior or subsequent movement by rail in Sub-No. 3F; (3) remove the facilities restriction and the "moving on freight forwarder bills of lading" restriction in Sub-No. 4F; and (4) change its one-way authority in Sub-No. 4F to radial authority which will authorize service between Chicago, IL and 8 named TX cities.

MC 148045 (Sub-4)X, filed January 26, 1981. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 West River Drive, P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate, to (1) remove all restrictions in its general commodity authority "except classes A and B explosives," and (2) remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by rail.

[FR Doc. 81-4526 Filed 2-10-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980 at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 27, 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. OP2-003

Decided: February 4, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 1083 (Sub-5), filed January 19, 1981. Applicant: BOWER TRANSPORTATION SERVICES, INC., 1101 W. 11th St., Vancouver, WA 98660. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Transporting *general commodities* (except classes A and B explosives), between points in WA in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, and points in OR in and west of Multnomah, Clackamas, Marion, Linn, Lane, and Klamath Counties.

MC 10872 (Sub-52), filed January 16, 1981. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, MO 63147. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *rubber and plastic products*, between Tulsa, OK, on the one hand, and, on the other, points in Racine, Rock, Walworth, Waukesha, Kenosha, Milwaukee, Washington, Ozaukee, Sheboygan, Jefferson, Dodge, Green, and Fon-du-Lac Counties, WI, and IL.

MC 16513 (Sub-23), filed January 15, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *machinery*, between points in the U.S., under continuing contract(s) with General Electric Company, of Louisville, KY.

MC 42183 (Sub-2F), filed January 21, 1981. Applicant: SAFETY BUS SERVICE, 7200 Park Ave., Pennsauken, NJ 08109. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10122. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Camden, Burlington, Mercer and Gloucester Counties, NJ and Philadelphia, PA, and extending to points in the U.S. (except AK and HI).

MC 59583 (Sub-180), filed December 29, 1980. Applicant: THE MASON AND

DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between Florence, SC and Vicksburg, MS, over Interstate Hwy 20, (2) between Charlotte, NC, and Baton Rouge, LA: from Charlotte over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 65 to Mobile, AL, then over Interstate Hwy 10 to Baton Rouge, and return over the same route, (3) between Montgomery and Mobile, AL, over U.S. Hwy 31, (4) between Mobile, AL, and junction U.S. Hwy 90 and Interstate Hwy 10, at New Orleans, LA, Over U.S. Hwy 90, (5) between junction Interstate Hwys 59 and 12 and Baton Rouge, LA, over Interstate Hwy 12, (6) between Fayetteville, NC, and Jacksonville, FL, over Interstate Hwy 95, (7) between Jacksonville, FL, and Natchez, MS: (a) from Jacksonville over U.S. Hwy 90 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Valdosta, GA, then over U.S. Hwy 84 to Natchez, and return over the same route, and (b) from Jacksonville over Interstate Hwy 10 to Mobile, AL, then over U.S. Hwy 98 to Natchez, and return over the same route, (8) between Jacksonville, FL and Greenville, MS: from Jacksonville over U.S. Hwy 1 to Waycross, GA, then over U.S. Hwy 82 to Greenville, and return over the same route, (9) between Augusta and Valdosta, GA: from Augusta over U.S. Hwy 1 to Waycross, GA, then over U.S. Hwy 84 to Valdosta, and return over the same route, (10) between Savannah, GA, and Meridian, MS: from Savannah over Interstate Hwy 16 to Macon, GA, then over U.S. Hwy 80 to Meridian, and return over the same route, (11) between Augusta and Macon, GA: from Augusta over Interstate Hwy 20 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Thomson, GA, then over GA Hwy 12 to Warrenton, GA, then over GA Hwy 16 to Sparta, GA, then over GA Hwy 22 to Milledgeville, GA, then over GA Hwy 49 to Macon, and return over the same route, (12) between Jellico, TN and junction Interstate Hwys 75 and 10, over Interstate Hwy 75, (13) between Atlanta, GA and Tallahassee, FL: from Atlanta over U.S. Hwy 19 to Thomasville, GA, then over U.S. Hwy 319 to Tallahassee, and return over the same route, (14) between Birmingham, AL, and Panama City, FL: from Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Panama City, and return over the same route, (15) between Birmingham and Montgomery, AL, over U.S. Hwy 31, (16) between Panama City, FL and Mobile, AL, over U.S. Hwy 98, (17) between the KY-TN State line near Clarksville, TN, and, junction Interstate Hwys 59 and 10 at or near Slidell, LA: from the KY-TN State line over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 10, and return over the same route, (18) between Union City, TN and New Orleans, LA: from Union City over U.S. Hwy 51 to Memphis, TN, then over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (19) between Jackson and Gulfport, MS, over U.S. Hwy 49, (20) between Memphis, TN, and Dawson, GA: from Memphis over U.S. Hwy 78 to Birmingham, AL, then over U.S. Hwy 280 to Richland, GA, then over GA Hwy 55 to Dawson, and return over the same route, (21) between Corinth, MS and Mobile, AL: from Corinth over U.S. Hwy 45 to Tupelo, MS, then over Alt. U.S. Hwy 45 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Mobile, and return over the same route, serving in connection with routes (1) through (21) all intermediate points and as off-route points all points in SC, TN, GA, AL, and MS, those in LA on and east of the Mississippi River, and those in FL (a) on and west of U.S. Hwy 319 and (b) those on, east, and north of a line beginning at the FL-GA State line and extending south along U.S. Hwy 41 to Lake City, FL, and then southeast along FL Hwy 100 to the Atlantic Ocean.

Note.—Applicant intends to tack the routes sought with each other, with its existing authority, and with any authority it may receive in the future in order to perform through service throughout its system.

MC 75302 (Sub-18), filed January 14, 1981. Applicant: DOUDELL TRUCKING COMPANY, 555 East Capitol Ave., Milpitas, CA 95305. Representative: Ronald C. Chauvel, 100 Pine St., Ste 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with Lawn and Garden Supply Company, of Phoenix, AZ.

MC 97932 (Sub-5), filed January 13, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, 661 LaSalle St., St. Paul, MN 55114. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, and points in Polk, St. Croix, and Burnett Couties, WI.

MC 99593 (Sub-2), filed December 30, 1980. Applicant: O'HARA TRUCKING, INC., 15 No. Union St., Somerville, MA 02145. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting (1)(a) *commodities, the transportation of which because of size or weight requires the use of special equipment*, and (b) *machinery, parts, contractors' materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in MA, on the one hand, and, on the other, points in the U.S. in and east of WI, IA, MO, KS, AR and LA, and (2) *generl commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in MA. The purpose of part (2) is to convert applicant's Certificate of Registration in MC–99593. CONDITION: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of certificate No. MC–99593.

MC 107012 (Sub-644), filed January 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *machinery*, (1) between points in Wyoming County, NY, on the one hand, and, on the other, points in VA, NC, SC, GA, AL, and FL, and (2) between points in Emanuel County, GA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-645), filed January 16, 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), (219) 429–2110. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of household appliances, between points in IN, KY, MI, MO, NC, and OH, on the one hand, and, on the other, points in Greene and Hamilton Counties, IA.

MC 110563 (Sub-319), filed January 2, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same as applicant) (513) 492–6181. Transporting *general commodities* (except classes A and B explosives), between points in Miami County, OH, on the one hand, and, on the other, points, in the U.S.

MC 111812 (Sub-754), filed January 15, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same as applicant) (605) 339–8424. Transporting *such*

commodities as are dealt in or used by designers and marketers of beverage and food service equipment, between points in the U.S.

MC 111812 (Sub-755), filed January 16, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant) (605) 339–8424. Transporting (1) *such commodities* as are dealt in or used by manufacturers of floors, floor coverings, walls, and wall coverings, between the facilities of Roberts Consolidated Industries, Inc., in Rockdale County, GA, on the one hand, and, on the other, points in the U.S.

MC 111812 (Sub-756), filed January 16, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant) (605) 339–8424. Transporting (1) *instruments and photographic goods*, and (2) *chemicals and related products*, between the facilities of Abbott Laboratories, in Lake County, IL, on the one hand, and on the other, points in CA, CO, FL, GA, ID, KS, MA, NJ, OR, PA, and WA.

MC 112123 (Sub-21), filed January 14, 1981. Applicant: BEST-WAY TRANSPORTATION, 1813 E. Thomas Rd., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 E. McDowell Rd. Suite 320, Phoenix, AZ 85008. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Superior and Tucson, AZ: from Superior over AZ Hwy 177 to junction AZ Hwy 77, then over AZ Hwy 77 to junction U.S. Hwy 89, then over U.S. Hwy 89 to Tucson, and return over the same route, serving all intermediate points, (2) between Globe and Winkleman, AZ, over AZ Hwy 77, serving all intermediate points, and (3) between Safford and Morenci, AZ: from Safford over U.S. Hwy 70 to junction U.S. Hwy 666, then over U.S. Hwy 666 to Morenci, and return over the same route, serving all intermediate points.

MC 113362 (Sub-412), filed November 19, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912 (507) 433–3427. Transporting (1) *floor covering* and (2) *materials, equipment and supplies* used in the installation, manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in IL, IN, MA, MS, NJ, NC, PA, TN and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and NM, restricted to traffic originating at or destined to facilities used by General Felt Industries, Inc.

MC 113843 (Sub-292), filed January 16, 1981. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 5th Floor, Boston, MA 02210. Representative: Lawrence T. Sheils (same address as applicant) (617) 482–3830. Transporting (1) *rubber and plastic products*, and (2) *metal products*, between points in MD, on the one hand, and, on the other, points in the U.S.

MC 119522 (Sub-51), filed October 27, 1980. Applicant: McLAIN TRUCKING, INC., 2425 Walton St., P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same as applicant) (317) 643–3374. Transporting *rubber and plastic products, iron and steel articles, chemicals and related products*, between points in Hamilton County, IN on the one hand, and, on the other, points in IL, KY, MI and OH.

MC 123272 (Sub-52), filed January 15, 1981. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *pulp, paper and related products* between points in Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 123872 (Sub-123), filed January 14, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101 (704) 328–2601. Transporting *food and related products*, between points in GA, NC, SC, TN, and VA, on the one hand, and, on the other, points in CO, IA, IL, KS, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 123993 (Sub-90), filed January 2, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768 (512) 476–6083. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 126822 (Sub-112), filed January 16, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant) (913) 782–6080. Transporting *food and related products*, between points in the U.S.

MC 128302 (Sub-18), filed January 13, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products*, between points in the U.S., under continuing contracts(s) with Allen Sugar Company, of Cleveland, OH.

MC 134833 (Sub-4), filed January 12, 1981. Applicant: PRICE TRUCKING CORPORATION, 67 Beacon St., Buffalo, NY 14220. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. Transporting *hazardous materials and toxic wastes and materials*, between points in the U.S., under continuing contract(s) with Recycling Industries, Inc., of Braintree, MA.

MC 136182 (Sub-12), filed January 15, 1981. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *chemicals and related products* (1) between points in Hamilton County, OH, on the one hand, and, on the other, points in MI, KY, WI, PA, VA, TN, NC, SC, AL, MO, GA and WV, and (2) between points in IL, IN and OH.

MC 140033 (Sub-96), filed January 15, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *food and related products* (1) between Los Angeles, CA, on the one hand, and, on the other, points in OH, GA, OK, TX, KY, MO, CO, and NM, and (2) between Cincinnati, OH, Boone, Kenton, and Campbell Counties, KY, on the one hand, and, on the other, points in GA, PA, MA, MD, and NJ.

MC 140452 (Sub-20), filed January 14, 1981. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 Business Hwy 41 North, Evansville, IN 47711. Representative: Sharon Tepool, P.O. Box 6, Lynnville, IN 36401. Transporting *coal and coal products*, between points in the U.S., under continuing contract(s) with Solar Sources, Inc., of Greenwood, IN.

MC 142603 (Sub-39), filed January 5, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Baker Rubber, Inc., of South Bend, IN.

MC 144603 (Sub-13), filed January 14, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043.

Representative: Laura C. Berry (same address as applicant) (314) 291–3030. Transporting *general commodities* (except classes A and B explosives), between points in Los Angeles County, CA, on the one hand, and, on the other, points in Fulton County, GA and Mecklenburg County, NC.

MC 144682 (Sub-51F), filed January 21, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Transporting *food and related products*, between Dallas and Ft. Worth, TX, on the one hand, and, on the other, points in the U.S.

MC 145743 (Sub-18), filed January 14, 1981. Applicant: T.F.S., INC., RR2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101 (605) 335–1777. Transporting *food and related products* between points in the U.S. on the one hand, and, on the other, points in NE.

MC 145743 (Sub-19), filed January 15, 1981. Applicant: T.F.S., INC., RR2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, points in Adams, Buffalo, and Hall Counties, NE.

MC 145912 (Sub-5), filed January 16, 1981. Applicant: TRUCK SERVICE, INC., 303 Vance St., Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE, Atlanta, GA 30342. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with (a) United Southern Industries, Inc., (b) A & E Warbern Co., Inc., both of Forest City, NC, and (c) Allied Plastics, Inc., of Gastonia, NC.

MC 146293 (Sub-68), filed January 13, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30426. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., NE, Atlanta, GA 30326 (404) 262–7855. Transporting *rubber and plastic products*, between points in Cuyahoga County, OH, DeKalb County, GA, and CA, on the one hand, and, on the other, points in the U.S.

MC 146293 (Sub-69), filed January 14, 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 30326. Transporting *ores and minerals*, between points in Talledega County, AL and Bartow County, GA, on the one hand, and, on the other, points in AZ, AR, CA, LA, NM, OK, and TX.

MC 146553 (Sub-16), filed January 19, 1981. Applicant: ADRIAN CARRIERS, INC., 1836 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products*, between points in KY, NJ, NY, and OH, on the one hand, and, on the other, points in IA and IL.

MC 146623 (Sub-6), filed January 21, 1981. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166 (305) 592–0036. Transporting *food and related products* (1) between points in CT, DE, GA, IL, MD, MA, NJ, NY, NC, PA, SC and VA, on the one hand, and, on the other, points in FL, and (2) between points in FL.

MC 146782 (Sub-37), filed January 2, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 148443 (Sub-9), filed January 5, 1981. Applicant: SOUTH SHORE EQUIPMENT CORP., 1284 Miller Rd., Avon, OH 44011. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *metal products* and *machinery*, between Cleveland, OH and Atlanta, GA, on the one hand, and, on the other, points in the U.S.

MC 148802 (Sub-3), filed January 15, 1981. Applicant: RUSSELL B. HINER AND PETER D. MILLER, d.b.a. R.P.M. MESSENGER SERVICE, 3387 Quakerbridge Road, Mercerville, NJ 08619. Representative: John M. Ballenger, 6121 Lincolnia Road, Suite 400, Alexandria, VA 22312 (703) 750–1112. Transporting *printed matter, machinery, pulp, paper and related products*, and *such commodities* as are used in the operation of a business office, between points in NY, NJ, and PA.

MC 149092 (Sub-1), filed January 15, 1981. Applicant: ASPEN, INC., 2900 East 83rd Place, Merrillville, IN 46410. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (315) 846–6655. Transporting *petroleum, natural gas, and their products*, between points in the U.S., under continuing contract(s) with (a) Welsh Oil, Inc., of Merrillville, IN, and (b) Pyramid Oil, Inc., of Benton Harbor, MI.

MC 149223 (Sub-3), filed January 13, 1981. Applicant: R. C. & N. R. AKIN, d.b.a. AKIN TRUCKING, Route 2, Box 266, Westville, OK 74965. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034 (405) 348–7700.Transporting *food and related products*, between points in Benson and Washington Counties, AR, Adair County, OK, and Hidalgo County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NE, NY, NC, NM, OK, OH, PA, SC, TN, TX, VA, and WV.

MC 149333 (Sub-2F), filed January 21, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *rubber and plastic products*, between Kansas City, MO, on the one hand, and, on the other, points in the U.S.

MC 150133 (Sub-3), filed December 9, 1980. Applicant: D.D.I. TRANSPORT, INC., 1010 Jorie Blvd., Oak Brook, IL 60521. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Transporting *intravenous solutions, drugs and health care products, and hospital supplies* (except commodities in bulk), between the facilities of Abbott-Laboratories, at or near North Chicago, IL, on the one hand, and, on the other, Los Angeles, San Francisco, and Santa Fe Springs, CA, Atlanta, GA, Des Moines, IA, Lousiville, KY, Boston, MA, Rocky Mount, NC, Buffalo, NY, Cincinnati and Cleveland, OH, Philadelphia and Pittsburgh, PA, and Seattle, WA.

MC 150612 (Sub-1), filed January 16, 1981. Applicant: RHODES TRUCK AND TRACTOR, INC., Route 4, Box 30A, Corinth, MS 38834. Representative: John Davidson, Box 1456, 111 Hwy. 72 West, Corinth, MS 38834 (601) 287–5452. Transporting *Mercer commodities*, between points in Alcorn County, MS and TN, on the one hand, and, on the other, points in the U.S.

MC 150783 (Sub-4), filed January 13, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), 501–636–1979. Transporting *food and related products*, between points in the U.S.

MC 150783 (Sub-5), filed January 15, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicants), 501–636–1979. Transporting *food and related products*, between the facilities of Ocean Spray Cranberry at points in the United States, on the one hand, and, on the other, points in the U.S.

MC 150852 (Sub-2), filed January 13, 1981. Applicant: SKYLINE TRANSPORT, INC., 1469 W. 6720 South, West Jordan, UT 84084. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *chemicals and related products*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with The Pax Co., of Salt Lake City, UT.

MC 152092, filed January 12, 1981. Applicant: BAKER PETROLEUM TRANSPORATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005, (202) 783–4110. Transporting *Petroleum, natural gas, and their products*, between points in the U.S., under continuing contract(s) with W. L. Wheatley, of Camden, NJ, Division of Jospeh Campbell Co., Subsidary of Campbell Soup Co.

MC 152453 (Sub-1), filed January 5, 1981. Applicant: BELL SERVICES, INC., 5812 Colorado, Kansas City, Mo 64130. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *Machinery*, between points in Kansas City, MO, and Points in Andrew, Atchison, Bates, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Jackson, Johnson, Lafayette, Linn, Livingston, Mercer, Nodaway, Pettis, Platte, Ray, Saline, and Worth Counties, MO, and Johnson, Leavenworth, Douglas, and Shawnee Counties, KS.

MC 152643 (Sub-1), filed January 19, 1981. Applicant: JACK L. COLLINS, 1517 Valley Ave., Hoxie, KS 67740. Representative: Michael H. Haas, 821 Main St., Hoxie, KS 67740. Transporting *metal products*, between points in TX and OK, on the one hand, and, on the other, points in Graham, Ellis, Rooks, Sheridan, Norton, Thomas, Decatur, and Rawlins Counties, KS, and Red Willow, Hitchcock, Frontier, Dundy, and Hayes Counties, NE.

MC 153273 (Sub-1), filed January 15, 1981. Applicant: SCHREIBER TRANSIT, INC., Box 610, 425 Pine St., Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *food and related products* between points in the U.S., under continuing contract(s) with (a) L. D. Schreiber Cheese Co., Inc., of Green Bay, WI, and its subsidiaries and (b) Winn-Dixie Stores, Inc., of Jacksonville, FL and its subsidiaries.

MC 153592, filed January 14, 1981. Applicant: CONTAINER CARRIERS, INC., 7123 Capitol, Houston, TX 77011. Representative: C. W. Ferebee, 720 North Post Oak, Suite 230, Houston, TX 77024, (713) 688–6110. Transporting (1) *general commodities* (except classes A and B explosives), between points in TX, on the one hand, and, on the other, points in AR, LA, OK, and TX; and (2) *such commodities* as are dealt in by manufacturers and distributors of containers, between points in Jefferson Parish, LA, on the one hand, and, on the other, points in AR and OK.

MC 153602, filed January 13, 1981. Applicant: BERT HARTWELL, d.b.a. J & T TRUCK SERVICE, P.O. Box 892, Monteview, ID 83435. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *chemicals and related products*, between points in CA, WA, and OR, on the one hand, and, on the other, points in ID.

MC 153622, filed January 15, 1981. Applicant: McDANIEL HAULING, INC., P.O. Box 908, Centreville, MS 39631. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205 (601) 969–3424. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Masonite Corporation, of Chicago, IL.

Volume No. OP2–005

Decided: February 4, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Parker not participating.)

MC 8973 (Sub-79), filed January 9, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *such commodities* as are used by manufacturers and distributors of chemicals and plastic articles, between points in the U.S.

MC 11722 (Sub-77), filed January 13, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler, Portland, OR 97232 (503) 288–8141. Transporting *metal products* between Kent, WA, on the one hand, and, on the other, points in ID, MT and OR.

MC 49252 (Sub-11), filed January 12, 1981. Applicant: GEO. M. WILLAUER, INC., R.D. #3, Nazareth, PA 18064. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting *general commodities*, (except class A and B explosives), between points in Northampton County, PA, on the one hand, and, on the other, points in PA.

MC 98952 (Sub-80), filed December 31, 1980. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford St., Decatur, IL 62526. Representative: Phillip W. Edmiston (same address as applicant) 217–877–5331. Transporting *food and related products*, between points in IL, IN, IA, KY, MI, MO, OH, TN, and WI. Condition: Issuance of this certificate is conditioned on cancellation of applicant's MC 98952 (Sub-Nos. 14, 15, 16, 17, 22, 24, 29, 34, 45, 52, 54, 55, 56, 58, 60, 69, 70, 74, 75, and 78.

MC 107012 (Sub-647F), filed January 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *transportation equipment*, between points in Brooks, GA, on the one hand, and, on the other points in the U.S.

MC 107323 (Sub-66F), filed January 21, 1981. Applicant: GILLILAND TRANSFER CO., 7180 W. 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 119583 (Sub-8), filed January 12, 1981. Applicant: L. E. BOLING, INC., 719 Commercial St., Kewanee, IL 61443. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Kewanee Boiler Corporation, of Kewanee, IL.

MC 119702 (Sub-80F), filed October 15, 1980. Applicant: STAHLY CARTAGE CO., 119 S. Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *chemicals and related products*, between points in AR, IL, IN, IA, KS, KY, MN, MO, MI, NE, OH, TN, and WI.

MC 123993 (Sub-92), filed January 13, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L.

Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting *pulp, paper and related products, rubber and plastic products,* and *chemicals and related products,* between points in the U.S., under a continuing contract(s) with Angleboard, Inc., of Cincinnati, OH.

MC 124692 (Sub-354F), filed December 15, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: J. David Douglas (same address as applicant). Transporting *coal and coal products,* between points in MT and WY, on the one hand, and, on the other, points in the U.S.

MC 124692 (Sub-356), filed January 21, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *metal products,* between points in PA, OH, and IN, on the one hand, and, on the other, those points in the U.S., in and west of MN, WI, IL, MO, AR, and LA.

MC 128333 (Sub-9F), filed January 21, 1981. Applicant: LES CALKINS TRUCKING, INC., 19501 North Hwy 99, Acampo, CA 95220. Representative: Alan F. Wohlstetter, 1700 K St NW, Washington, DC 20006. Transporting *clay, concrete, glass or stone products,* between points in NV and points in CA.

MC 134493 (Sub-6), filed January 19, 1981. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 808 S. Joliet St., Joliet, IL 60436. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives), between the facilities of General Motors Corporation at or near Wentzville, MO, on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-10), filed January 19, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, Esq., 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. (301) 424-2420. Transporting *general commodities* (except classes A and B Explosives), between points in the U.S., under continuing contract(s) with Ames Department Stores, Inc., of Rocky Hill, CT, and its subsidiaries.

MC 139253 (Sub-8), filed January 19, 1981. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORP., 928 West Main St., P.O. Box 5456, EKS, Johnson City, TN 37601. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402, (615) 267-1135. Transporting *household goods,* between points in Carter, Cocke, Washington, Greene, Johnson, Unicoi, Sullivan, Hawkins, and Hamblen Counties, TN, Ashe, Avery, Mitchell, Watauga, and Yancey Counties, NC, and Washington, Scott, and Smyth Counties, VA, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, PA, SC, TN, TX, VA, WV, and DC.

MC 145743 (Sub-20), filed January 19, 1981. Applicant: T.F.S., INC., RR 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, ND 57101. Transporting *meats, meat products, meat byproducts, dairy products, articles distributed by meat-packing houses, and commodities used by meat packers in the conduct of their business,* between points in NE and Pottawattamie, Clay, O'Brien, and Webster Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 146703 (Sub-22F), filed January 19, 1981. Appliant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., N.W., Washington, DC 20006. Transporting *general commodities* (except Classes A and B explosives), between points in CT, DE, OH, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, IN, KY, MI, and DC, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX and WI.

MC 149403, filed January 19, 1981. Applicant: SCOTT'S EXPRESS, INC., I-29 and U.S. Hwy 2, Grand Forks, ND 58201. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *food and related products* between points in Grand Forks County, ND, on the one hand, and, on the other, points in the U.S.

MC 150103 (Sub-11), filed January 19, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 W. Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *rubber and plastic products* between points in the U.S. under a continuing contract(s) with Republic Packaging Corporation, of Chicago, IL.

MC 150703, filed January 15, 1981. Applicant: DELBERT MILLS, d.b.a. MILLS TRANSPORTATION, R.D. 3, Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *such commodities* as are dealt in and distributed by wholesale and retail automotive supply stores, between points in the U.S. under continuing contract(s) with Quaker City Motor Parts Company, of Middletown, DE.

MC 153133 (Sub-3), filed January 5, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., Highway 59 South, Box 422, Stafford, TX 77477. Representative: Patricia L. Altman, 2523 Ave. H, Rosenburg, TX 77471. Transporting *clay, concrete, glass or stone products,* between points in LA, AL, MS, FL, TX, and GA.

MC 153613, filed January 13, 1981. Applicant: LELAND V. ROPER, d.b.a. ROPER & SONS TRUCKING, 201 West 5th St., Crows Landing, CA 95313. Representative: Leland V. Roper (same address as applicant). Transporting *food and related products* between points in the United States under continuing contract(s) with Sterling Colorado Beef Co., of Sterling, CO.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 150512 (Sub-2F), filed October 31, 1980 (Correction), previously published in the **Federal Register** issue of December 10, 1980, and republished this issue. Applicant: B & M TRANSIT, INC., Route 603, Plymouth, OH 44865. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between points in the U.S. Condition: The person or persons who appear to be engaged in commom control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

Note.—This republication is to reflect the authority as common carrier authority, in lieu of contract carrier authority as previously noticed.

Volume No. OP2-006

Decided: February 5, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hiss dissenting.)

MC 41432 (Sub-173), filed January 12, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant), (214) 638-2280. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 107012 (Sub-646F), filed January 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative:

David D. Bishop (same address as applicant). Transporting *general commodities* (except classes A and B explosives) between points in the U.S., on the one hand, and, on the other, points in CT, MA, NJ, NY, PA and MD.

MC 123993 (Sub-91), filed January 13, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 138882 (Sub-379F), filed January 19, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *general commodities* (except Classes A and B explosives), between points in the U.S.

MC 141532 (Sub-108), filed January 19, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting *lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, transportation equipment, those commodities which because of their size or weight require the use of special handling or equipment, and building materials,* between points in the U.S.

Volume No. OP2-008

Decided: February 5, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 124813 (Sub-232), filed January 23, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *metal products and building materials,* between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 125533 (Sub-48), filed January 21, 1981. Applicant: GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *rubber and plastic products,* (2) *clay, concrete, glass or stone products,* and (3) *metal products,* between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 125872 (Sub-17), filed January 2, 1981. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1300. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with L. D. Schreiber Cheese Co., Inc., of Green Bay, WI. Condition: Issuance of a permit in this proceeding is conditioned upon applicant's written request for the coincidental cancellation of permit MC 125872 (Sub-7), issued March 17, 1980.

MC 134612 (Sub-3), filed January 21, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S., under continuing contract(s) with Heekin Can Division, Diamond International Corporation, of Cincinnati, OH.

MC 136012 (Sub-8), filed January 26, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati, OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *chemicals and related products* between Chicago, IL and points in Marathon County, WI, on the one hand, and, on the other, points in Hamilton County, OH, and Greenup County, KY.

MC 139043 (Sub-5), filed November 6, 1980. Applicant: SAC TRANSPORTATION, INC., 4010 Main Ave., Spokane, WA 99202. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Transporting *malt beverages and wine,* between points in the U.S., under continuing contract(s) with Danday, Inc. d.b.a. Dantini Distributing, of Pullman, WA, and B & B Distributors, Inc., of Spokane, WA.

MC 140273 (Sub-23), filed January 21, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *farm products,* between points in Lac qui Parle County, MN, on the one hand, and, on the other, points in the U.S.

MC 140442, filed January 21, 1981. Applicant: HASLERIG TRUCKING CO., INC., Rte. 1 Box 47, Rock Spring, GA 30739. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. Transporting *chemicals,* between points in the U.S., under continuing contract(s) with Gold Kist, Inc., and Estech General Chemical Corp., both of Atlanta, GA, and International Minerals & Chemical Corporation, of Spartanburg, SC.

MC 141932 (Sub-44), filed December 22, 1980. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of United Freight, Inc.

MC 144843 (Sub-5), filed January 21, 1981. Applicant: GRACE DISTRIBUTION SERVICES, INC., P.O. Box 308, Duncan, SC 29334. Representative: Paul M. Daniell, P.O. Box 872, Atlanta GA 30301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with appliance Industries, Inc., of Harbor City, CA.

MC 146293 (Sub-70), filed January 21, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S., 3390 Peachtree Road, NE, Atlanta, GA 30326. Transporting *machinery,* between points in Berrien County, MI, Sandusky, Hancock, and Marion Counties, OH, Vanderburgh County, IN, and Sebastian County, AR, on the one hand, and, on the other, points in LA, and those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

MC 146293 (Sub-71), filed January 21, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: RICHARD M. TETTELBAUM, 5th Floor, Lenox Towers S., 3390 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *furniture and fixtures,* between points in Knox County, TN, on the one hand, and, on the other, points in AZ, CA, MT, OR, TX, And WA.

MC 146402 (Sub-27F) (Correction), filed November 11, 1980, published in the **Federal Register**, issue of December 10, 1980, and republished, as corrected, this issue. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) Transporting *metal products,* between St. Clair County, IL, and Shelby County, MO, on the one hand, and, on the other, points in the U.S. The purpose

of this republication is to correct the commodity description.

By the Commission, Review Board No 2, Members Chandler, Lieberman and Eaton.

MC 149353 (Sub-2), filed January 21, 1981. Applicant: D.D.H., INC., P.O. Box 459, Middleburg, FL 32068. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fl 32202. Transporting *ores and minerals*, between points in Putnam County, FL, on the one hand, and, on the other, points in AL and GA.

MC 149403 (Sub-1), filed January 23, 1981. Applicant: SCOTT'S EXPRESS, INC., I–29 & U.S. Highway 2, Garand Forks, ND 58201. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, points in MN, ND, and SD.

MC 150502 (Sub-2), filed January 21, 1981. Applicant: REBANDA TRANSPORTATION, INC., P.O. Box 1003, Healdsburg, CA 95448. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *such commodities* as are dealt in or used by (a) theatrical, (b) stage trade, and (c) industrial shows and productions, between points in the U.S.

MC 150783 (Sub-6), filed January 21, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant). Transporting *petroleum, natural gas and their products*, between points in the U.S.

MC 152163F, filed January 21, 1981. Applicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins St., New Bedford, MA 02740 Representative: Thomas F. Silvia (same address as applicant). Transporting *general commodities* (except classes A and B explosives) (1) between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC, and (2) between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in IL, IN, MI, MO, OH, and WI.

MC 153323 (Sub-1), filed January 26, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51442. 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 Handy Packing Company, Inc., of San Angelo, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–4821 Filed 2–10–81; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–173, at page 1790, in the issue of Wednesday, January 7, 1981, on page 1794, in the first column, the first full paragraph, designated as "MC 149070 (Sub-2F)", at the end of line thirty, after "WV" insert "and WY,".

BILLING CODE 1505–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–69]

Certain Airtight Cast-Iron Stoves; Modification of Orders

AGENCY: U.S. International Trade Commission.

ACTION: Modification of exclusion order and cease and desist orders.

SUMMARY: On February 3, 1981, the Commission modified the exclusion order and the cease and desist orders imposed against Heritage Stove Co. and Fireplace Distributors to allow the country of origin to be marked on the front, back, side, or top of the stoves imported or distributed by those firms.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the Commission issued its Action and Order and Opinion in the above-captioned investigation. The Commission issued an exclusion order and six cease and desist orders to remedy the violations of section 337 of the Tariff Act of 1930 by reason of common law trademark infringement, registered U.S. trademark infringement, and false and deceptive advertising.

The Commission stated in its Opinion (pp. 16–17) that the relief ordered as to Heritage Stove Co. and Fireplace Distributors would allow those firms to import and market stoves which had the country of origin marked on the front, back, side, or top of the stove. The other defaulting respondents had been required to place the country of origin on the front of the stove.

The Commission's Action and Order in this matter is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0359.

By order of the Commission.

Issued: February 4, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4843 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–89]

Certain Apparatus for the Continuous Production of Copper Rod; Suspension of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Suspension of investigation.

SUMMARY: On February 3, 1981, the Commission voted to suspend investigation No. 337–TA–89 until the date on which the U.S. Court of Customs and Patent Appeals makes its final decision in Appeals Nos. 80–19 and 80–21.

SUPPLEMENTARY INFORMATION: Investigation No. 337–TA–89 was instituted by notice in the **Federal Register** on August 12, 1980 (45 FR 53932). Southwire Co. of Carrollton, Ga., is the complainant in this investigation. Krupp GmbH of the Federal Republic of Germany and Krupp International, Inc., of Harrison, N.Y., were named as respondents in the August 13 notice of investigation. On October 23, 1980, the Commission added Phelps Dodge Corporation as a respondent and voted to issue a temporary exclusion order, having found that there is reason to believe that section 337 is being violated.

On January 26, 1981, all of the parties to the above-captioned investigation moved to suspend the investigation until the Court of Customs and Patent Appeals (C.C.P.A.) issues its final decisions in Appeals Nos. 80–19 and 80–21. Appeals Nos. 80–19 and 80–21 are appeals of Southwire Company, the complainant in the Commission investigation, and Krupp GmbH and Krupp International, Inc., the respondents in the Commission investigation, of the Commission's final determination in investigation No. 337–TA–52. That investigation involved the patent at issue in the present investigation, U.S. Letters Patent 4,129,170 (the '170 patent) as well as the method equivalent of the '170 patent, U.S. Letters Patent 3,317,994.

On January 27, 1981, the Administrative Law Judge recommended that the Commission suspend the investigation and certified Motion No. 89–28 to the Commission. Her recommendation to suspend the investigation was based upon the same reasons given by the parties.

The Commission's Action and Order in this matter is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0359.

By order of the Commission.

Issued: February 3, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4845 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–87]

Certain Coin-Operated Audio-Visual Games and Components Thereof; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of oral arguments and briefing for investigation No. 337–TA–87, certain coin-operated audio-visual games and components thereof.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation into the United States and sale of certain coin-operated audio-visual games which are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

COMMISSION HEARING: The Commission will hold a public hearing on March 16, 1981, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties. The procedure for each portion of the hearing follows.

ORAL ARGUMENTS: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. Such arguments will be limited to 20 minutes (exclusive of time consumed by questions from the Commission or its advisory staff), unless the parties make a timely request for additional time for making their arguments based on a showing of need. This time may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

ORAL PRESENTATIONS ON RELIEF, BONDING, AND THE PUBLIC INTEREST: If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. Such presentations will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff) and may include the testimony of witnesses. This portion of the hearing is legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

WRITTEN SUBMISSIONS: In order to give greater focus to the hearing, the parties to the investigation, Government agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. Such briefs must be filed not later than the close of business on March 10, 1981. During the course of the hearing, the parties may be asked to file posthearing briefs.

NOTICE OF APPEARANCE: Written requests to appear at the Commission

hearing must be filed with the Office of the Secretary by March 10, 1981.

ADDITIONAL INFORMATION: The original copy and 11 true copies of all briefs must be filed with the Office of the Secretary not later than March 10, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of June 25, 1980 (45 FR 124).

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0148.

By order of the Commission.

Issued: February 5, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4844 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–96]

Certain Modular Pushbutton Switches and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: January 30, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81–4841 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54]

Certain Multicellular Plastic Film; Request for Public Comment

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that Canadian Tarpoly Company of Canada has requested that the Commission issue an advisory opinion concerning the exclusion order issued in the above-captioned investigation. The Commission asks that the members of the public who wish to comment on the requested opinion submit their comments in writing within thirty days of the publication date of this notice.

AUTHORITY: The authority for this action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), under which the Commission has the authority to interpret and enforce its orders.

SUPPLEMENTARY INFORMATION: On December 19, 1980, the Commission received a petition from Canadian Tarpoly Company, a Canadian manufacturer of multicellular plastic film, requesting an advisory opinion on the scope of the exclusion order issued by the Commission on June 29, 1979 in the above-captioned investigation. The Commission order prohibits the entry of—

> Multicellular plastic film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984 for the remaining term of said patent * * *

The order also provides that—

> * * * persons desiring to import multicellular plastic film into the United States may petition the Commission to institute such further proceedings as may be appropriate in order to determine whether the multicellular plastic film sought to be imported should be allowed entry into the United States * * *

The reason for this procedure is that it is impossible to distinguish, by visual or other means, film which infringes the '984 patent from film which does not infringe.

Canadian Tarpoly began to manufacture plastic film in 1980 and thus was not named as a respondent in the original section 337 investigation. In an effort to seek relief from the Commission's order, Canadian Tarpoly proposes to move manufacturing of the plastic film to the United States in anticipation of moving its entire pool-cover-manufacturing operation to the United States. Canadian Tarpoly states that, until the complete manufacturing operation is set up in the United States, it will ship the plastic film manufactured in this country to Canada for assembly of the pool covers and then reship them to the United States. Canadian Tarpoly asserts that its pool covers should be exempt from the Commission's order since the plastic film used would have been manufactured in the United States instead of Canada. Canadian Tarpoly has asked the Commission to issue an advisory opinion which states whether the above-described procedure violates the Commission's exclusion order.

The proposed procedure raises issues relating to the scope of the Commission's jurisdiction under 19 U.S.C. 1337a. Because the petition for an advisory opinion raises questions which affect the public interest, we are providing a comment period. Comments must be submitted within thirty days of the publication date of this notice.

FOR FURTHER INFORMATION CONTACT: Christine Bliss, Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: February 4, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4846 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–78]

Certain Poultry Disk Picking Machines and Components Thereof; Termination

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation on the basis of settlement agreement.

SUMMARY: Having reviewed the record of the investigation, the parties' settlement agreement, and the recommendation of the presiding officer, the Commission has voted to grant motion docket No. 78–3 and has ordered the termination of investigation No. 337–TA–78, Certain Poultry Disk Picking Machines and Components Thereof.

PETITIONS FOR RECONSIDERATION: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days after service of the Commission's order. Such petitions must be in conformity with section 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

SUPPLEMENTARY INFORMATION: This investigation was instituted on February 27, 1980, (45 FR 12932) following receipt of a complaint filed on behalf of Stork-Gamco, Inc., a manufacturer and distributor of poultry-processing apparatus. The complaint, as amended, alleged the violation of section 337(a) of the Tariff Act of 1930 with respect to the importation into the United States and the sale of certain poultry disk picking machines which are alleged to infringe claims 3, 6, and 8 of U.S. Letters Patent 3,197,809. Two parties were named as

respondents: Machinefabriek Meyn, B.V., and Meyn, USA, Inc.

Prior to and concurrently with the Commission's investigation, the parties had been engaged in Federal civil litigation which involved the same subject matter and issues similar to those before the Commission. At the conclusion of a trail on the issues of patent validity and infringement, the court ruled that U.S. Letters Patent 3,197,809 was valid and that the machines manufactured and sold by respondents do not infringe claims 3, 6, and 8 of that patent. Following issuance of the court's written decision, the complainant and the respondents entered a written agreement settling all matters in controversy which were still pending before the court and before the Commission.

As a result of the settlement agreement, the complainant filed a motion (Docket No. 78–3) on September 8, 1980, requesting termination of the Commission's investigation. The motion was signed by all parties, including the Commission investigative attorney. On September 12, 1980, the presiding officer issued a recommended determination that the investigation be terminated.

Pursuant to its obligations to safeguard the public interest and to seek advice and information from other Government agencies during the course of these proceedings, the Commission solicited written comments concerning the impact that the proposed termination would have upon the public interest. A notice requesting public comment was published in the **Federal Register** of December 17, 1980 (45 FR 83037), and letters were sent to the appropriate agencies and departments. No comments were received.

ADDITIONAL INFORMATION: The Commission's Action and Order, the settlement agreement, and all other public documents on the record of this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Phyllis N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202–523–0321.

By order of the Commission.

Issued: February 5, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4847 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–98]

Certain Screw Jacks and Components Thereof, Including Cold-Worked Pinion Gears; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 8, 1981, and amended January 28, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Auto Specialties Manufacturing Company, 643 Graves Street, St. Joseph, Michigan 49085. The amended complaint alleges unfair methods of competition and unfair acts in the importation of certain screw jacks and components thereof, including cold-worked pinion gears, into the United States, or in their sale, because of the alleged infringement by said screw jacks and pinion gears of claims 1–6 of U.S. Letters Patent 3,862,577. The amended complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigations, exclusion from entry, except under bond, of the imports in question be ordered and that, after a full investigation, permanent exclusion from entry of the imports in question be ordered.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in section 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on February 5, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain screw jacks and components thereof, including pinion gears, into the United States, or in their sale, because of the alleged infringement by said screw jacks and pinion gears of claims 1–6 of U.S. Letters Patent 3,862,577, the effect or tendency of which is to destroy or substantially injure and industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Auto Specialties Manufacturing Company, 643 Graves Street, St. Joseph, Michigan 49085.

(b) The respondents are the following companies allegedly engaged in the unlawful importation of such articles into the United States, or in their sale, and are the parties upon which the amended complaint is to be served: Seeburn Metal Products Limited, York Streets Box 460, Beaverton, Ontario, LOK 1AO, Canada; and General Motors Corp., 3044 West Grand Boulevard, Detroit, Michigan 48202. Attention: Patent Counsel.

(c) Samuel Bailey, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

SUPPLEMENTARY INFORMATION: General Motors Corp. has been included as a respondent in paragraph 2(b) above on the basis of the informal investigatory activities of the Commission.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such reponses will be considered by the Commission if received not later than 20 days after the date of service of the amended complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the

presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The amended complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1273.

By order of the Commission.

Issued: February 6, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–4848 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–97]

Certain Steel Rod Treating Apparatus and Components Thereof; Designation of Commission Investigative Attorney

Donald R. Dinan is hereby designated as Commission investigative attorney in the above entitled investigation, effective this date.

Dated: February 3, 1981.

Talbot S. Lindstrom,

Chief, Unfair Import Investigations Division.

[FR Doc. 81–4849 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–97]

Certain Steel Rod Treating Apparatus and Components Thereof; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: January 30, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81–4842 Filed 2–10–81; 8:45 am]

BILLING CODE 7020–02–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room E 300 U. John F. Kennedy Federal Building, Cambridge Street, Boston, Massachusetts on March 10, 1981, beginning at 9:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion in the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B). A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: February 6, 1981.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 81–4763 Filed 2–10–81; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Hazardous Waste

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on January 28, 1981, a Consent Decree in *United States* v. *Energy Systems Company* was filed in the United States District Court for the Western District of Arkansas. The decree requires Defendant to clean up waste disposal areas at the company's facility located in El Dorado, Arkansas.

The Department of Justice will receive until March 13, 1981, written comments relating to the judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Energy Systems Company*, (W.D. Ark. Civil 81–1–006), D.O.J. Docket No. 90–7–1–170.

The consent decree may be examined at the Office of the Clerk, U.S. District Court, Fort Smith, Arkansas, office of the United States Attorney, U.S. Post Office and Courthouse Building, 6th and Rogers, Fort Smith, Arkansas, at the Region VI Office of the Environmental Protection Agency, Enforcement Division, Legal Branch, 1201 Elm Street, Dallas, Texas, 75270 and the Hazardous Waste Section, Land and Natural Resources Division, Department of Justice (Room 1644), Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the consent decree may be obtained in person or by mail from the Hazardous Waste Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $4.10 payable to the Treasurer of the United States.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–4760 Filed 2–10–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF COMMERCE

National Advisory Committee on Oceans and Atmosphere

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, February 24 and 25, 1981, in Room 416, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

February 24, 1981

Plenary Session

8:45 a.m.–9:00 a.m.—• Announcements—Acting Chairman
9:00 a.m.–10:30 a.m.—(To be announced)
10:30 a.m.–12:00 Noon—• Robert W. Knecht, Director, Office of Ocean Minerals and Energy National Oceanic and Atmospheric Administration
12:00 Noon–1:00 p.m.—Lunch
1:00 p.m.–3:30 p.m.—Panel meeting
• Hydrology—Paul Bock, Chairman. Speakers: Alfred J. Cooper, Former Chief, River Control Branch, Tennessee Valley Authority; Peter Eagleson, Professor of Civil Engineering, Massachusetts Institute of Technology
3:30 p.m.–5:00 p.m.—Steering Committee Meeting
5:00 p.m.—Adjourn.
February 25, 1981

Panel Meeting

8:30 a.m.–10:30 a.m.—• Atmospheric Research Facilities, Louis J. Battan, Chairman

Plenary Session

10:30 a.m.–12:00 Noon—• Law of the Sea—Focus: Seabed Mining. Speakers: J. T. Smith, Cecil Olmstead, Burdick Brittin

Lunch

12:00 Noon–1:00 p.m.—Plenary session • Panel reports
1:00 p.m.—3:00 p.m.—• Fisheries; • Hydrology; • Atmospheric Research Facilities; • Marine transportation
3:00 p.m.—Adjourn

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Suite 438, Page Building #1), Washington, D.C. 20235

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-4632 Filed 2-10-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Media Arts Panel (AFI/Archival Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Panel (AFI/Archival Section) to the National Council on the Arts will be held on March 3, 1981, from 9:00 a.m.–5:30 p.m., in room 1426, of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is 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. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-4766 Filed 2-10-81; 8:45 am]

BILLING CODE 7537-01-M

Special Projects Panel (Folk Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Folk Arts Section) to the National Council on the Arts will be held on March 5, 1981, from 8:30 a.m.–10:00 p.m. and March 6–7, 1981, from 8:30 a.m.–6:00 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 7, 1981, from 8:30 a.m. to 12:00 noon, to discuss policy.

The remaining sessions of this meeting on March 5, 1981, from 8:30 a.m.–10:00 p.m., March 6, 1981, from 8:30 a.m.–6:00 p.m., and on March 7, 1981, from 12:00 noon–6:00 p.m. 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. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions 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 with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-4767 Filed 2-10-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Astronomical Sciences Advisory Committee, Astronomy Project Support External Peer Oversight Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Astronomy Project Support External Peer Oversight Subcommittee of the Advisory Committee for Astronomical Sciences
Date and Time: February 24–26, 1981; 9 a.m. to 5 p.m.
Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Dr. Morris L. Aizeman, Head, Astronomy Reserarch Section, Division of Astronomical Sciences, Rm. 615, National Science Foundation, Washington, D.C. 20550 Telephone: 202–357–7622.
Purpose of Subcommittee: To provide NSF management with an advisory appraisal of the technical stewardship by the NSF in the area of astronomy project support.
Agenda: Review and comparison of declined proposals (and supporting documentation) with successful awards under the Astronomy Project Support Program, including review of peer review materials and other privileged material.
Reason for Closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at the meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt materials and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee

Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Reason for Late Notice: Difficulty in arriving at an acceptable meeting date for the subcommittee members.

Dated: February 6, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-4774 Filed 2-10-81; 8:45 am]

BILLING CODE 7555-01-M

Information Science and Technology Advisory Committee; Notice of Postponement

The Advisory Committee for Information Science and Technology was scheduled to meet in Washington, D.C. on February 13, 1981. This meeting has now been postponed until Spring. The notice for this meeting appeared in the **Federal Register** on Monday, January 26, pg. 8137, Vol. 46, No. 16.

M. Rebecca Winkler,

Committee Management Coordinator.

February 6, 1981.

[FR Doc. 81-4772 Filed 2-10-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Virgil C. Summer Nuclear Station; Meeting.

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on February 26-27, 1981 at the Holiday Inn-Northwest, US-1 & I-26, Post Office Box 258, Columbia, SC 29169. The Subcommittee will review the application of the South Carolina Electric and Gas Company for a license to operate the Virgil C. Summer Nuclear Station. Notice of this meeting was published January 23, 1981.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, February 26-27, 1981; 8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the South Carolina Electric and Gas Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 5, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-4649 Filed 2-10-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11603; 812-4760]

Bankers Security Variable Annuity Fund M, et al.; Application for an Order

February 4, 1981.

In the matter of Bankers Security Variable Annuity Fund M and Bankers Security Life Insurance Society, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006, and Daily Cash Accumulation Fund, Inc., 3600 South Yosemite Street, Denver, Colorado 80237.

Notice is hereby given that Bankers Security Life Insurance Society ("Bankers Security" or the "Company"), a stock life insurance company organized under the laws of the State of New York, Bankers Security Variable Annuity Fund M ("Separate Account M"), a separate account of Bankers Security registered under the Investment Company Act of 1940 ("Act") as a unit investment trust and Daily Cash Accumulation Fund, Inc. ("Fund"), a no-load, diversified open-end management investment company registered under the Act (hereinafter Bankers Security, Separate Account M and the Fund are collectively referred to as "Applicants"), filed an application on October 31, 1980 and an amendment thereto on January 16, 1981, for an order of the Commission pursuant to Section 11 of the Act approving certain offers of exchange and pursuant to Section 6(c) of the Act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rule 22c-1 thereunder, to the extent necessary to permit Applicants to offer the variable annuity contracts as described in the application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Background

The Company is a stock life insurance company organized under the laws of the State of New York. Separate Account M, through its Depositor-Sponsor, Bankers Security, proposes to offer and sell individual variable annuity contracts ("Contracts") to be funded through Separate Account M. The assets of Separate Account M will be invested at net asset value in shares of the Fund.

Oppenheimer Management Corporation ("OMC") through a subsidiary, Shareholder Services, Inc., will perform certain variable annuity processing services for the Company in connection with the administration of Separate Account M. Such services will include the operation and modification of computer programs and systems, provision of computer time for processing the Variable Annuity Service, printing and mailings. The fees for these services will be paid from the general account of the Company. The principal underwriter of the Contracts, Oppenheimer Investor Services, Inc., is a wholly-owned subsidiary of OMC.

Another wholly-owned subsidiary of OMC, Oppenheimer Asset Management Corporation, owns more than 50% of the outstanding voting stock of the Management Group, Inc., which is the Manager and General Distributor of the Fund.

The Contracts to be offered are individual single purchase payment contracts. The purchase payment is due on the date of issue and must be at least $5,000. Additional purchase payments of at least $500 per payment may be made only with the consent of the Company. Annuity payments may be elected to start either at a future date (deferred annuity) or at a date no more than approximately 31 days after the contract is issued (immediate annuity). The Contracts provide for the accumulation of values on a variable basis. Payment of annuity benefits will be on a fixed basis, unless a variable basis or a combination of variable and fixed basis is selected by the Contract owner. The dollar amount of the variable annuity payments and the Separate Account Accumulated Value will vary with the investment results of Separate Account M, which are not guaranteed. However, the dollar amount of fixed annuity payments at the annuity commencement date is guaranteed by the Company.

The Company does not deduct initially a sales charge from purchase payments made for these Contracts, and all or a portion of the Contract value may be withdrawn during the accumulation period. However, purchase payments that are partially or totally withdrawn from the Contract prior to being held for 72 months will (with certain exceptions) be subject to a charge (a "Contingent Deferred Sales Charge") of 4% of the amount of the purchase payments withdrawn. No such Contingent Deferred Sales Charge will be imposed against withdrawals of purchase payments held for at least 72 months. Withdrawn amounts shall be considered withdrawals of purchase payments until the total amounts of all purchase payments in the Accumulated Value have been withdrawn. A Contingent Deferred Sales Charge will not be made against that portion of withdrawals which are in excess of the total of all purchase payments. In no event will the Contingent Deferred Sales Charge exceed 4.0% of the net purchase payments. This charge, when applicable, is imposed to permit the Company to recover sales expenses paid by the Company. Within the 72 month period applicable to the Contingent Deferred Sales Charge for each purchase payment, the owner may surrender up to 10% each year of purchase payments held for at least one year, without paying a Contingent Deferred Sales Charge. To the extent that the owner does not utilize withdrawals that are not subject to the Contingent Deferred Sales Charge, they may be carried forward, although the total amounts surrendered without a charge from each purchase payment may not exceed 50% of such payment during the applicable 72 month period.

The Company also deducts a daily charge equal to an annual rate of 1.0% of the daily net asset value of Separate Account M as a charge for mortality and expense risks assumed by the Company. This deduction consists of approximately 0.8% for mortality risks and 0.2% for expense risks. In addition, on each anniversary, the Company will deduct an annual Contract Maintenance Charge of $30 from the Contract value under such Contracts. These charges are to reimburse the Company for administrative expenses related to the issue and maintenance of the Contract. Any applicable premium taxes (which presently range up to 2.5%) are deducted from purchase payments or at the annuity commencement date.

Finally, in addition to the Contracts being available for purchase by the public, the Company will offer such Contracts to shareholders of the Fund.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional expenses.

Applicants assert that the proposed Contingent Deferred Sales Charge is consistent with the intent of the definition of sales load contained in the Act. The charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)(35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the contract owner withdraws all or a part of the contract value, the proceeds paid on such withdrawal will be based on the current net asset value. If applicable, the Contingent Deferred Sales Charge will be deducted at the time of surrender in arriving at the contract owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Contingent Deferred Sales Charge is violative of Section 22(c) or Rule 22c-1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a)(2)(C) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a)(2)(C)] of the Act, as here pertinent, provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, no exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

Applicants assert that the Contingent Deferred Sales Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sale of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further assert that since there is nothing in the Act to suggest that if Contingent Deferred Sales Charges were being used at the time the Act was promulgated, that deductions

for such sales charges would not have been permitted, and, since it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Contingent Deferred Sales Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of a Contingent Deferred Sales Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payment, less any amounts deducted for applicable premium taxes. Thus, the owner's proportionate share or account value would be the net purchase payments plus or minus any increase or decrease in value, less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportionate share or account value upon redemption. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge as proposed.

Section 27(c)(1).

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company from issuing periodic payment plan certificates, or depositor or underwriter of such company from selling such certificates unless they are redeemable securities. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption, to the extent necessary, to offer the Contracts.

Applicants submit that the Contingent Deferred Sales Charge is not a restriction on redemption under Section 27(c)(1). Applicants assert that deferring the imposition of the sale charge in no way restricts the contract owner from receiving his proportionate share or current value on redemption and has the effect, through deferral of sales charge until contract value is withdrawn, of increasing the contract value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1), to the extent necessary to permit the charge to be imposed only upon certain redemptions.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual "Contract Maintenance Charge". The Company will deduct on each Contract Anniversary, an annual charge of $30 from the Contract value under such Contracts. These deductions are made to reimburse the Company for administrative expenses related to the issue and maintenance of the Contracts.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation, Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c-1, to the extent necessary, to permit the deduction of the annual administrative charge under the circumstances described.

Performance of Custodial Functions

Sections 26(a) and 27(c)(2) as noted prohibit a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a) requires the trustee or custodian to be a bank which meets certain financial standards. Applicants request an exemption from the provisions of Section 26(a) of the Act in order that the Company may act as custodian of the assets of Separate Account M; such assets will be held in the safekeeping of the Bank of Commerce of New York.

Section 26(a) of the Act also requires, in part, that the custodian shall have possession of all the securities and other property in which the funds of the unit investment trust are invested. The Applicants assert that the primary purpose of Section 26(a) relating to the possession of trust assets is to provide for their safekeeping. The Applicants contend that to require that shares certificates be physically issued by the Fund under the circumstances would not significally add to the safety of the unit investment trust's assets and would result in unnecessary administrative expenses. As noted, the assets of Separate Account M will be invested in shares of the Fund. Furthermore, such assets will be held in safekeeping.

The Applicants requests that the Commission enter an order of exemption from the pertinent provisions of Section 26(a) in order that these shares may be issued under an open account arrangement without the use of stock certificates; their owners will be shown on the books and records of the Fund and Separate Account M.

Section 26(a) of the Act also requires that the securities and other property in which the funds of the unit investment trust are invested shall be segregated and held in trust until distribution.

Applicants state that while the assets of the Separate Account will be segregated, the Company, as a life insurance company, may not properly place the assets of the Separate Account in trust because the insurance laws of the State of New York require the Company to retain ownership and control of the disposition of its property. If the Company is permitted to hold in custody for safekeeping the assets of the Separate Account, an exemption from the foregoing Sections of the Act will be necessary in order that the Company shall not be required to hold such assets in trust.

In support of the requested exemptions from the foregoing provisions of the Act, the Applicants state that the Company is subject to extensive supervision and control by the Commissioner of Insurance of the State of New York and the comparable official of each state in which it does business. Further, the Company, under an arrangement for recordkeeping, will maintain either itself or through an agent a record of all purchases and redemptions of Fund shares with respect to the Separate Account. Consequently,

the Applicants submit that a trusteeship is unnecessary under the circumstances.

In summary, the Applicants request exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act in order that the Company may, as custodian, perform the functions normally performed by a custodian with respect to Separate Account M; that the property and assets of Separate Account M do not have to be held in trust although segregated; and that the investment of the trust in shares of the Fund may be held in "book share" form.

Payment of Contract Fees and Charges

Sections 26(a)(2)(C) and 27(c)(2)

Section 26(a)(2)(C) of the Act, as here pertinent, provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee not, exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian.

The Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2), to the extent necessary, to permit the deduction by the Company and the payment to the Company of an annual Contract Maintenance Charge, the Expense Risk Charge, the Mortality Risk Premium and any premium tax, as set forth above.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Exchanges

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trust for the securities of any other investment company.

Applicants propose to permit shareholders of the Fund to exhange their shares for the Contracts without payment of a fee, transfer charge or sales load although the Contracts that will be issued will be subject to any applicable Contingent Deferred Sales Charge, a Contract Maintenance Charge and the Mortality and Expense Risk Charge. Any applicable premium tax will be deducted when incurred. Premium taxes, which presently range up to 2.5% may be imposed at the time a payment is made or at the annuity commencement date.

Applicants submit that the proposed exchange privilege allowing Fund shareholders to exchange their shares for Contracts is consistent with the policy of Section 11 of the Act since any exchange would be made at net asset value and would not be subject to a fee, sales load or transfer charge at the time of exchange. Applicants state that any such exchange would be solely at the election of existing shareholders of the Fund. Applicants further state that such an exchange privilege will permit Fund shareholders to add annuity features to their financial plans while retaining the investment orientation they already possess. Applicants have requested an ordedr pursuant to Section 11, to the extent necessary, to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transactions or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent, 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.

Notice is further given that any interested person may, no later than March 2, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communications 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 the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application will be issued as of course following March 2, 1981 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 notice 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. 81-4736 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 0-9421; 0-6467]

Black Hawk Resources Co.; Order of Suspension of Trading

February 5, 1981.

It appearing to the Securities and Exchange Commission that there has been a lack of current and accurate financial information concerning the affairs of Black Hawk Resources Company, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Black Hawk Resources Company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 10:30 a.m. on February 5, 1981 and terminate at midnight on February 14, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4737 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11608, 812-4794]

Calvert Tax-Free Reserves; Filing of Application for an Order

February 5, 1981.

Notice is hereby given that Calvert Tax-Free Reserves ("Applicant"), 1700 Pennsylvania Avenue, N.W., Suite 270, Washington, D.C. 20006, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 31, 1980, and amendments thereto on January 14, 1981, and January 19, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant, a so-called "series" investment company, will offer investors two separate and distinct portfolios of municipal obligations (referred to as the Money Market Portfolio and the Limited-Term Portfolio). Applicant's investment objective is to achieve the highest level of interest income exempt from federal income taxes as is consistent with prudent investment management, preservation of capital, and the quality and maturity characteristics prescribed for each Portfolio. The two Portfolios differ in their anticipated income yields, quality, length of maturity, and capital value volatility. Applicant's investment adviser is Calvert Municipal Management Company, and its shares are sold without a sales charge.

The Money Market Portfolio will offer substantial individual and institutional investors the opportunity to invest in a diversified portfolio of short-term, high quality municipal obligations whose interest payments are exempt from federal income tax, as well as commitments to purchase such obligations on a "when-issued" basis. Those short-term, high quality municipal obligations purchased on a "when issued" basis will be treated and valued pursuant to all the conditions contained in Investment Company Act Release No. 10666 (April 18, 1979). The Money Market Portfolio, from time to time on a temporary basis, may also invest in taxable, high quality short-term investments, such as U.S. Government obligations, certificates of deposit, commercial paper, and short-term repurchase agreements. It is a fundamental policy of Applicant that during normal market conditions, the Money Market Portfolio's assets will be invested so that at least 80% of its annual income will be tax-exempt.

The obligations that the Money Market Portfolio may purchase include both fixed rate and variable rate securities. Variable rate obligations have a yield which is adjusted periodically based upon changes in the level of prevailing interest rates. As a result, the value of variable rate obligations is less affected by changes in interest rates. All variable rate investments by the Money Market Portfolio will be restricted to short-term, high quality obligations. With respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted on a monthly cycle, the Fund may use the period remaining until the next rate adjustment date for purposes of determining the average weighted portfolio maturity of the Money Market Portfolio. Until such time as the Commission has determined otherwise, upon persuasive evidence submitted by Applicant, Applicant will use the remaining period to maturity of all other variable rate instruments for purposes of determining the average weighted portfolio maturity of the Money Market Portfolio.

Applicant additionally has authority to purchase securities at a price which would result in a yield to maturity lower than that generally offered by the seller at the time of purchase when it can acquire at the same time the right to sell the securities back to the seller at an agreed upon price at any time during a stated period or on a specified date. Such right is generally denoted as a "put". Applicant does not currently intend to enter into any such transactions but reserves the right to do so in the future. No such transactions will be entered into unless Applicant's board of trustees has approved the proposed terms of such transactions and such terms are specified in a subsequent prospectus that has been declared effective by the Securities and Exchange Commission.

Investments by the Money Market Portfolio will be limited to those municipal obligations considered to be of high quality by a commercial credit rating service, such as Moody's Investors Service, Inc. (AAA, AA, MIG-1 and MIG-2) or Standard and Poor's Corporation, Inc. (AAA and AA) or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of trustees.

Investments by the Money Market Portfolio will be limited to obligations with remaining maturities of one year or less. The Money Market Portfolio will maintain a dollar-weighted average portfolio maturity of 120 days or less.

The Money Market Portfolio intends to declare and pay daily dividends of its net investment income to shareholders of record as of the close of business that day. Net investment income will consist of the interest income earned on the Money Market Portfolio's investments (adjusted for amortization of original issue or market discounts or premiums), less estimated expenses. Dividends will be automatically reinvested at net asset value in additional shares. Capital gains, if any, will be distributed after the end of Applicant's fiscal year.

The net asset value per share of the Money Market Portfolio, the price at which shares are issued and redeemed, will be computed by dividing the value of the Portfolio's total assets, less its liabilities, by the total number of shares outstanding. Net asset value will be determined every business day at 5:00 p.m., Eastern time.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a

registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

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 any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations 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.

Applicant hereby requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit its Money Market Portfolio to value its portfolio by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

In support of the relief requested, Applicant states that many sophisticated individual and institutional investors require an investment vehicle that has a stable capital value and a constant and steady flow of investment income. The Applicant believes that, in order to attract such investors and retain them as shareholders, the Money Market Portfolio must have a stable net asset value per share and must be able to pay dividends that do not fluctuate as a consequence of changes in the values of its portfolio securities.

By investing in high quality, short-term municipal obligations and valuing such securities on the basis of their amortized cost, Applicant maintains that the Money Market Portfolio will benefit such investors by providing an investment vehicle less subject to fluctuation than under alternative procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. Management of Applicant believes that, with respect to a portfolio of municipal obligations with a dollar-weighted average maturity of 120 days or less, the discrepancy between market value and amortized cost is negligible. Furthermore, Applicant states that a number of tax-exempt money market funds with which it will be in competition now value their security portfolio using amortized cost.

Applicant's board of trustees has determined in good faith that in light of the characteristics of the Money Market Portfolio as described above, absent unusual or extraordinary circumstances, the amortized cost method of calculating the net asset value per share of the Money Market Portfolio is appropriate and in the best interests of shareholders of the Money Market Portfolio and reflects fair value of such securities.

As a condition to the granting of the exemption requested herein, Applicant agrees that the following may be made conditions of the order:

1. In supervising the Money Market Portfolio's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Money Market Portfolio's investment objectives, to stabilize the Money Market Portfolio's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Money Market Portfolio's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, the Applicant will use actual quotations or estimates of market value which reflect current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations or estmiates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of municipal securities furnished by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the board of trustees will prompty consider what action, if any, should be initiated.

(c) Where the board of trustees believes the extent of any deviation from the Money Market Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net assest value per share as determined by using available market quotations.

3. The Money Market Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net assest value per share; provided, however, that the Money Market Protfolio will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollor-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Money Market Portfolio will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in the easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees'

meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Money Market Portfolio will limit its portfolio investments, inlcuding repurchase agreements, if any, to those U.S. dollar-denominated instruments which the board of trustees determines persent minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statment as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant respectfully requests an order of the Commission exempting its Money Market Portfolio from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Money Market Portfolio to value its portfolio securities using the amortized cost method of valuation. Applicant submits that such order is 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.

Notice is further given that any interested person may, not later than March 2, 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 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. 81–4738 Filed 2–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11604; 812–4769]

CMA Tax-Exempt Trust; Filing of Application

February 4, 1981.

Notice is hereby given that CMA Tax-Exempt Trust ("Applicant"), 165 Broadway, New York, New York 10080, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on Novermber 26, 1980, and an amendment thereto on January 27, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is an unincorporated business trust organized under the law of Massachusetts. The application states that Applicant filed a registration statement on Form N–1 under the Securities Act of 1933 and the Act on November 12, 1980. Applicant states that its investment objectives are to seek current income exempt from federal income taxes, preservation of capital and liquidity available from investing in a diversified portfolio of short-term, high quality, tax-exempt obligations issued by or on behalf of states, territories and posessions of the United States and the District of Columbia and their political subdivisions, agencies and instrumentalities (such obligations hereinafter referred to as "Municipal Bonds").

Applicant anticipates that a substantial portion of its portfolio will be invested in municipal notes, which include tax anticipation notes, bond anticipation notes, revenue anticipation notes and project notes. Applicant represents that Municipal Bonds it purchases will have a remaining maturity at the time of purchase of one year or less and that the dollar-weighted average maturity of Applicant's portfolio will be 120 days or less. Applicant states that its shares will be offered exclusively to participants in the Cash Management Account ("CMA") program of Merrill Lynch, Pierce, Fenner & Smith Incorporated.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instrument of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that it seeks an order of exemption permitting it to use amortized cost valuation in pricing its shares because: (1) it desires to minimize the recognition and distribution of unrealized capital gains on its portfolio securities, since without

amortized cost valuation it would be necessary to distribute unrealized capital gains daily in order to maintain a constant net asset value and (2) the operational requirements of the CMA program necessitate that a constant net asset value of $1.00 per share be maintained to process automatic purchases and redemptions of shares. The application states that Applicant will invest only in Municipal Bonds maturing in one year or less from the date of purchase and that the dollar-weighted average maturity of its portfolio will be 120 days or less, and that Applicant believes that these investment policies will tend to minimize any differential between amortized cost valuation and actual market values, while providing a yield which is otherwise not available with a portfolio having an average maturity of shorter duration. Applicant represents that its trustees have determined in good faith that the amortized cost method of valuing portfolio securities is appropriate for Applicant.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision under 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.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake, as a particular responsibility within the overall duty of care owed to shareholders of Applicant, to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of purchases and redemptions of shares, at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share of Applicant, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Trustees believe the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten the Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place, a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two in an easily accessible place), a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those U.S. dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 2, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest the reason for 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 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. 81-4739 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To satisfy this condition, Applicant will use actual quotations or estimates of market value reflecting current market conditions selected by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

Philadelphia Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

February 3, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of: Moore Corp., Ltd., Common Stock, No Par Value (File No. 7–5854).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 25, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–4740 Filed 2–10–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11606; 812–4791]

Plimoney Fund, Inc.; Filing of Application for an Order

February 5, 1981.

Notice is hereby given that Plimoney Fund, Inc. ("Applicant"), 111 North Broad Street, Philadelphia, PA 19107, which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on December 30, 1980, and an amendment thereto on January 19, 1981, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio securities by use of the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market fund" designed as an investment vehicle for individuals, fiduciaries and institutions who are seeking to earn a high level of income and to minimize fluctuation in the value of their investment while retaining the flexibility to liquidate their investment at any time. Applicant further states that it invests in a variety of money market instruments with the primary objective of seeking maximum current income to the extent consistent with stability of principal.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis [Investment Company Act Release No. 9786, May 31, 1977 ("Release 9786")].

Applicant states that it currently values its portfolio securities and computes its net asset value by rounding to the nearest one tenth of one cent on a share value of $1.00. Applicant further states that its valuation is consistent with the Commission's views expressed in Release 9786.

According to the application, Applicant believes that investors desire primarily two characteristics in a money market fund: (1) stability of principal and (2) steady flow of investment income. Applicant asserts that in its belief, it is inconsistent with those desires for Applicant to be required to price its portfolio instruments in a manner which produces price and yield volatility for portfolio instruments which Applicant expects to hold to maturity. Applicant further asserts that it believes that its shareholders are not concerned with the theoretical differences which might occur between yield achieved through market pricing and that computed on an amortized cost basis. Applicant states that it will be possible to provide the required stability to investors by maintaining a portfolio of high quality money market instruments of short maturities. On the advice of, and based on the experience of its investment adviser, Applicant states that it has determined that maintaining an average portfolio maturity of 120 days or less will accomplish the aims of its investors by reducing the risk of significant volatility in the value of portfolio instruments while producing a satisfactory yield. The application further states that Applicant's board of directors has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of its securities. Accordingly, Applicant requests an order, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rule 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio assets by use of the amortized cost method of valuation.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules 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. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by the board of directors.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 2, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for 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 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. 81-4741 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value which may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Rel. No. 11607; 811-1736]

South Bay Corp.; Filing of Application for an Order

February 5, 1981.

Notice is hereby given that The South Bay Corporation ("Applicant") 425 Park Avenue, New York, New York 10022, a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 21, 1981, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a corporation organized under the laws of the State of New York, registered under the Act on October 2, 1968. Prior to registering under the Act, Applicant was known as Fifth Avenue Coach Lines, Inc., and was engaged in the surface transportation business in the Metropolitan new York area.

Applicant states that on April 29, 1975, a meeting of shareholders of Applicant was held at which a plan of liquidation and dissolution of the

Applicant was adopted ("Plan"). Applicant further states that the initial distribution under the Plan in 1975, provided for a distribution to securityholders of $2,248,377 in cash, 311,600 common shares of Giant Portland Cement Company, and 226,500 common shares of Elgin National Industries, Inc. According to the application, there were subsequent distributions of $1.55 a share in December, 1976, and $1.00 a share in January, 1978.

Applicant states that on March 31, 1979, it assigned and transferred all of its remaining assets, subject to all of its remaining liabilities, to a liquidating trust ("Trust"), the beneficiaries of which are securityholders of Applicant. Applicant further states that the distribution to the Trust of its assets was deemed by Applicant's board of directors to result in the redemption and cancellation of the shares of Applicant's common stock and that those holders thereof are now considered holders of beneficial interests in the Trust. According to the application, Applicant held $655,475.32 representing unclaimed prior liquidating distributions, which was transferred to the Trust.

Applicant states that it currently has no assets and is not now engaged and does not propose to engage in any business activities other than those activities necessary for the final winding up of its affairs. Applicant further states that it has no debts or liabilities since any debts or other liabilities which were outstanding were assumed by the Trust, is not a party to any litigation or administrative proceedings and has no securityholders. Finally, Applicant states that it filed a Certicate of Dissolution with the New York Secretary of State on July 30, 1975.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 2, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing theron. Any such communicaton 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 postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4792 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6213]

Willner Industries, Common Stock, $.10 Par Value; Application To Withdraw From Listing and Registration

February 3, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Willner Industries (the "Company") began operation as a chain of retail liquor stores. In December 1969, the Company listed and registered its common stock on the National Stock Exchange, and began to expand its business activities to include the purchase, development and sale of real estate in Central Florida. In December 1974, the National Stock Exchange ceased operation, and the Company became listed and registered on the BSE. Also in 1974, the Florida real estate industry sustained substantial losses and the Company determined to phase out the Florida business which has now been completed.

2. The Company has sold many of its liquor stores during the past several years and operations have declined over the past five years. The Company has had less than 300 shareholders for a period of at least eight years and at present has 223 shareholders. The Company has determined that the volume of trading has become so small that it is no longer practical for the Company to incur the expense of listing on the BSE.

Any interested person may, on or before February 25, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4744 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21907; 70-6542]

West Texas Utilities Co.; Proposal by Operating Utility Subsidiary To Issue and Sell Preferred Stock on a Private Placement Basis and Exception From Competitive Bidding

February 5, 1981.

Notice is hereby given that West Texas Utilities Company ("West Texas"), 301 Cypress, Abilene, Texas 79604, an electric utility subsidiary of Central and South West Corporation, Inc., a registered holding company, has filed an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6, 7 and Rule 50(a)(5) of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

West Texas proposes to issue and sell up to 150,000 shares of its ——%, cumulative $100 par preferred stock ("Preferred Stock") no later than June 30, 1981. The proceeds to be derived by West Texas from the sale of the Preferred Stock will be used by West Texas to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures.

Approximately $15,000,000 of short-term borrowings are expected to be outstanding as of March 1981. Estimated construction expenses (inclusive of allowance for funds used during construction) of the company for 1981 and 1982 are $50,200,000 and $47,000,000, respectively. West Texas will need to sell additional securities during 1981 and 1982 to finance portions of this construction program. The amount, type and timing of such additional security sales will be the subject of future filings with the Commission.

West Texas requests an exception from the competitive bidding requirements of Rule 50 under the Act for the issuance and sale of the Preferred Stock to permit it to select one or more investment banking firms with which to negotiate the terms and conditions of a private placement with the institutional investors. West Texas has provided statistical data covering twelve issues of utility preferred stocks sold between November 16, 1980 and January 16, 1981 of which five were privately placed and seven were sold in public offerings. On the basis of such data, West Texas believes that there is a market differential which would save an approximate 200 basis points by the private placement of the Preferred Stock. West Texas' last public preferred stock issuance occurred in 1954. While its preferred stock is not rated, management believes the Preferred Stock would be deserving of a "AA" rating. Furthermore, as of December 31, 1980 West Texas preferred stock earnings coverage was 2.67 times. West Texas believes the Preferred Stock would be attractive to institutional investors who place a premium on quality. Of course, in the event market conditions change and in the opinion of management, competitive bidding would be more advantageous, West Texas would competitively bid the Preferred Stock.

All terms and conditions of the Preferred Stock including the sinking fund, the redemption price, and the price to be paid to West Texas will be determined by the negotiations. It is expected that all such terms and conditions agreed upon will be consistent with the Commission's Statement of Policy Regarding Preferred Stock (HCAR No. 13105, February 16, 1956). All terms, conditions, expenses and fees associated with the negotiations will be filed by amendment with the Commission.

It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 27, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4743 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

Dynergy Corp.; Order of Suspension of Trading

February 5, 1981.

It appearing to the Securities and Exchange Commission that there has been recent, unusual and unexplained activity in the securities of Dynergy Corporation ("Dynergy") and questions have been raised about the adequacy and accuracy of publicly disseminated information about contracts and agreements it has entered into, its financial condition and the status of its operations, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Dynergy.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in Dynergy Corporation on a national securities exchange or otherwise is suspended, for the period from 12:30 p.m. on February 5, 1981 midnight on February 14, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4837 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

World Gambling Corp.; Order of Suspension of Trading

February 5, 1981.

It appearing to the Securities and Exchange Commission that World Gambling Corp. ("WGC") has failed to disclose certain material corporate events, including (1) the dissolution by the State of New York of WGC's corporate status for failure to pay franchise taxes, (2) the filing of involuntary bankruptcy proceedings against a WGC subsidiary, AEI Corporation, on February 22, 1980, (3) termination of business operations of another WGC subsidiary, Gresco Corporation, and, (4) the filing of mortgage foreclosure proceedings against WGC concerning certain land in the Pocono Mountains in the State of Pennsylvania, the Commission is of the opinion that the public interest and the protection of investors require a sumary suspension of trading in the securities of WGC.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in WGC securities on a national securities exchange or otherwise is suspended, for the period from 10:30 a.m. on February 5, 1981 and terminating at midnight on February 14, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4745 Filed 2-10-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 20]

National Farmers Union Property and Casualty Company; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to National Farmers Union Property and Casualty Company, Denver, Colorado, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on federal bonds is hereby terminated effective today.

The company was last listed as an acceptable surety on federal bonds at 45 FR 44509 dated July 1, 1980.

With respect to any bonds currently in force with National Farmers Union Property and Casualty Company, bond approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634–5010.

William E. Douglas,

Commissioner.

Dated: February 3, 1981.

[FR Doc. 81-4733 Filed 2-10-81; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES RAILWAY ASSOCIATION

[Docket Number 211-28]

Consolidated Rail Corporation

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) ("Rail Act"), authorizes the United States Railway Association ("Association") to enter into loan agreements with and to make loans to the Consolidated Rail Corporation ("Conrail"), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for the purposes set forth in Subsection 211(h) of the Rail Act. Subsection (b) of Section 211 of the Rail Act requires that the Association publish notice of the receipt of any application for such a loan in the **Federal Register** in order to afford interested parties an opportunity to comment on the loan application.

Conrail has submitted a Borrowing Application dated January 21, 1981 requesting new borrowings in the amount of $9,310,000.00. Conrail states that it will use the funds to pay the following obligations:

Erie Lackawanna Railroad

Suppliers	$2,172,000
Shippers	500,000
Railroads	5,696,000
Nonemployee personal injuries	942,000
Total	9,310,000

The Borrowing Application includes the certifications and exhibits required by the loan procedures previously published by the Association.

Interested parties are invited to submit written comments relevant to Conrail's Borrowing Application. Any such submissions must identify by Docket Number the application to which it relates and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North, S.W., Washington, D.C. 20595, on or before February 20, 1981, to enable the Association to consider the comments submitted. The docket containing the original application will be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C. this 5th day of February, 1981.

Edwin Rector,

Assistant Secretary, United States Railway Association.

[FR Doc. 4710 Filed 2-10-81; 8:45 am]

BILLING CODE 8240-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 28
Wednesday, February 11, 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: 11 a.m., Friday, February 20, 1981.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-226-81 Filed 2-9-81; 2:49 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, February 11, 1981, starting at 9:30 a.m., in Room 856, 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Petition for Issuance of a Cease and Desist Order and an Order to Show Cause filed by ATS Mobile Telephone, Inc., Against General Communications Company, Inc., a licensee in the Business Radio Service (General Docket No. 80-619). *Summary:* The FCC will consider whether to terminate the above proceeding in the light of events coming to its attention after adoption and promulgation of its Notice of Inquiry in the aforementioned matter.

General—2—The Office of Science and Technology proposes to establish an advisory committee to assist in preparation for the 1983 Region 2 Broadcasting Satellite Service Planning Conference. This committee will provide advice in various technical areas dealt with by the Conference, including identification of the types of service possible for a Direct Broadcasting Satellite Service (DBS) and the technical parameters of those services. Membership of the committee will be solicited from diverse public, private, and governmental sources to ensure full representation of all views.

Private Radio—1—*Title:* Amendment of Part 2, Frequency Allocations and Part 97, Amateur Radio Service, to apply power limit to two additional military areas; and, to specify certain conditions for communications with satellites. *Summary:* The Commission will consider whether or not to adopt final rules which would provide for: (1) a 50 watt power limitation in two additional military areas (unless waived); and (2) communications with satellites by amateur radio stations within certain military areas in accordance with specified conditions.

Private Radio—2—*Title:* In the Matter of Amendment of Part 90 of the Commission's Rules and Regulations to provide for sharing of certain frequencies by the Forest Products Radio Service RM-3376. *Summary:* The FCC has before it a petition from Forest Industries Telecommunications for amendment of Part 90 of the Commission's Rules to permit geographic sharing of certain Police Radio Service frequencies in a number of northwestern and southeastern states.

Common Carrier—1—*Title:* Application of GTE Telenet Communications Corporation for authority to extend packet-switched data communications service from the continental United States to the United Kingdom and points beyond, File No. I-T-C-2634. *Subject:* The Commission will consider whether to grant or deny GTE Telenet's application for review of an order of the Common Carrier Bureau denying a further extension of Telenet's authority to provide packet-switched data communications between the U.S. and the U.K. Under the terms of the Bureau's order, Telenet's authority to provide this service expired on May 4, 1980, because service was not implemented before that date. The authority was first granted in 1977.

Common Carrier—2—Monitoring compliance with conditions underlying General Telephone and Electronics Corporation's acquisition of Telenet. The Commission will consider comments on and adoption of the staff audit report, including whether the merger conditions should be maintained in light of the Commission's decision in Second Computer Inquiry.

Cable Television—1—"Petition for Reconsideration" (CSR-1476) filed December 11, 1980, by Ziff-Davis Broadcasting Company. Ziff-Davis Broadcasting Company, licensee of Station WTOV-TV (CBS, Channel 9), Steubenville, Ohio, seeks reconsideration of the Commission's decision in *Rust Craft Broadcasting Company* (Steubenville, Ohio), FCC 80-610, —— FCC 2d —— (1980).

Cable Television—2—"Petition for Issuance of Tax Certificate" (CSR-1671) filed December 10, 1979, by The Standard Corporation. "Petition for Issuance of Tax Certificate" (CSR-1672) filed December 10, 1979, by Communications Investment Corporation. The Standard Corporation and Communications Investment Corporation together own KUTV, Inc., licensee of Station KUTV (NBC, Channel 2), Salt Lake City, Utah. The Standard Corporation and Communications Investment Corporation, pursuant to Section 1071 of the Internal Revenue Code, request issuance of tax certificates for their divestiture of their interests in five co-located cable television systems.

Cable Television—3—"Petition for Reconsideration" (CSR-1742) filed December 1, 1980, by KDUB-TV, Inc. KDUB-TV, Inc., licensee of Station KDUB-TV (ABC, Channel 40), Dubuque, Iowa, requests reconsideration of the Commission's decision in *KDUB-TV, Inc.* (Dubuque, Iowa), FCC 80-624, —— FCC 2d —— (1980). This petition is opposed by Cedar Rapids Television Company, licensee of Station KCRG-TV (ABC, Channel 9), Cedar Rapids, Iowa.

Aural—1—*Title:* Memorandum Opinion and Order in re application of Orman L. Kimbrough for license to cover construction permit for AM station Kees, Gladewater, Texas; and request for waiver of Section 73.24(j) of Rules. *Summary:* The Commission considers the above application and permittee's failure to provide nighttime interference-free service to all of Gladewater.

This meeting may be continued the following day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 5, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-227-81 Filed 2-9-81; 2:54 pm]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5

U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Friday, February 6, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(8) and (c)(9)(A)(ii) thereof (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

The meeting took place in the Chairman's Office, Room 6023, of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Dated: February 9, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-228-81 Filed 2-9-81; 3:53 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 11652, February 9, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. February 11, 1981.

CHANGE IN MEETING: The meeting has been rescheduled for February 12, 1981, beginning at 10 a.m.

[S-226-81 Filed 2-9-81; 3:14 pm]

BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Tuesday, February 17, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on Friday, January 30, 1981.)

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: February 6, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-223-81 Filed 2-6-81; 4:24 pm]

BILLING CODE 6210-01-M

6

NATIONAL SCIENCE BOARD.

DATE AND TIME: February 19, 1981:

9 a.m. Open session
10 a.m. Closed Session

February 20, 1981:

9 a.m. Open session
9:30 a.m. Closed Session

PLACE: 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Thursday, February 19, 9 a.m.:

1. Minutes—Open Session—222nd Meeting.
2. Chairman's Items.
3. Director's Report.
   a. Report on Grant & Contract Activity—1/14-2/18/81.
   b. Organizational and Staff Changes.
   c. Congressional and Legislative Matters.
   d. NSF Budgets for Fiscal Years 1981 and 1982.
   e. Other Items.
4. Board Representation at Future Events.

Friday, February 20, 9 a.m.:

5. Board Committees—Reports on Meetings.
6. Grants, Contracts, and Programs.
7. Other Business.
8. Next Meeting National Science Board—March 19-20, 1981.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: Thursday, February 19, 10 a.m.:

A. Minutes—Closed Session—222nd Meeting.

B. NSF Long-Range Plans for Fiscal Year 1983 and Subsequent Years (Agenda Item B continued on February 20).

Friday, February 20, 9:30 a.m.:

C. Grants, Contracts, and Programs.
D. NSB Annual Reports.
E. NSB and NSF Staff Nominees.
F. NSF Long-Range Plans for Fiscal Year 1983 and Subsequent Years (continued from February 19).

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357-9582.

[S-224-81 Filed 2-9-81; 9:53 am]

BILLING CODE 7555-01-M

7

POSTAL SERVICE.

Board of Governors.

Notice of Vote to Close Meeting.

On February 4, 1981, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting currently scheduled for March 2, 1981. Each of the members of the Board voted in favor of closing the meeting, which is expected to be attended by the following persons: Governors Hardesty, Ching, Babcock, Camp, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Senior Assistant Postmaster General Finch.

The meeting to be closed is to involve a discussion of the general rate case (Commission Docket No. R80-1).

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public interest in having the Governors discuss the matter without concern for unreasonably influencing particular litigation, the rate case being currently the subject of administrative litigation and it being highly likely that it would become the subject of judicial review.

Accordingly the Governors have determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest

does not require the discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-225-81 Filed 2-10-81; 8:45 am]

BILLING CODE 7710-12-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.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules for the Week of February 15 through February 21, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

85767 12-30-80 / Handling of milk in Federal milk marketing areas; comments period extended to 2-16-81

[*See also* 44 FR 65989, 11-13-79 and 45 FR 75956, 11-17-80]

9956 1-30-81 / Lemons grown in Calif. and Ariz.; handling regulations; comments by 2-17-81

Animal and Plant Health Inspection Service—

82654 12-16-80 / Importation of carcasses, parts, or products of poultry, game birds, and other birds; comments by 2-17-81

Commodity Credit Corporation—

6973 1-22-81 / Milk price support program; terms and conditions of 1980-1981; comments by 2-17-81

Farmers Home Administration—

83244 12-18-80 / Borrower supervision, servicing, and collection of single family housing loan accounts; comments by 2-17-81

82653 12-16-80 / Provisions for disposal of acquired property; comments by 2-17-81

Food and Nutrition Service—

82890 12-16-80 / Food Distribution Program provisions; comments by 2-17-81

Foreign Agricultural Service—

83191 12-18-80 / Export sales reporting of peanuts; comments by 2-17-81

CIVIL AERONAUTICS BOARD

80117 12-3-80 / Canadian charter air taxi operators; registration procedure for operating authority; reply comments by 2-17-81

83510 12-19-80 / Establishment of service mail rate zones for air transportation; comments by 2-17-81

83254 2-18-80 / Guidelines for subsidizing air carriers providing essential air transportation; comments by 2-17-81

COMMERCE DEPARTMENT

International Trade Administration—

84021 12-22-81 / Revision of enforcement provisions of the Export Administration regulations; comments by 2-20-81

National Oceanic and Atmospheric Administration—

83412 12-18-80 / Fish and Wildlife Coordination Act; rulemaking and availability of Draft Environmental Statement; comments by 2-17-81

2153 1-8-81 / Taking of marine mammals incidental to commercial fishing operations; enforcement policy; comments by 2-15-81

COMMODITY FUTURES TRADING COMMISSION

84084 12-22-80 / Trading restrictions applicable to certain contract market and cleaning organization employees; comments by 2-20-81

CONSUMER PRODUCT SAFETY COMMISSION

82659 12-16-80 / Changes in requirements for full-size and non-full-size baby cribs; comments by 2-17-81

DEFENSE DEPARTMENT

Army Department—

3561 1-15-81 / Private organizations on Department of Army installations; comments by 2-17-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

85059 12-24-80 / Effective date of ceiling rates on Money Market Certificates and Small Saver Certificates; comments by 2-16-81

85056 12-24-80 / Penalty for early withdrawals of time deposit funds in the event of bankruptcy; comments by 2-16-81

EDUCATION DEPARTMENT

86932 12–31–80 / Cooperative Education Program; comments by 2–17–81

86502 12–31–80 / Education Appeal Board; proceedings, appeals less than $100,000; comments by 2–17–81

86886 12–31–80 / Institutional Grants for Graduate and Professional Study Program; comments by 2–17–81

86890 12–31–80 / Law School Clinical Experience Program; comments by 2–17–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

84920 12–23–80 / Amendments to propane pricing regulations; comments by 2–17–81

Federal Energy Regulatory Commission—

8568 1–27–81 / High-cost gas produced from tight formations; comments by 2–20–81

6901 1–22–81 / Natural gas from stripper wells; temporary pressure buildup; maximum lawful price; comments by 2–20–81

82957 12–17–80 / Public utilities, licensees, and natural gas companies; preservation of records; comments period extended to 2–17–81

[*See also* 45 FR 76696, 11–20–80]

ENVIRONMENTAL PROTECTION AGENCY

83126 12–17–80 / Air pollution; performance standards for limiting emissions of volatile organic compounds from gasoline tank truck loading racks at bulk gasoline terminals; comments by 2–17–81

3569 1–15–81 / Air quality implementation plans; Washington; revision; comments by 2–17–81

7005 1–22–81 / Air quality; Pa.; revision to State implementation plan for attainment of ozone standard in Scranton/Wilkes-Barre Metropolitan Region; comments by 2–21–81

84096 12–22–80 / Approval and promulgation of implementation plans; Rule revisions of Six Sacramento Valley Air Pollution Control Districts in the State of California; comments by 2–20–81

6021 1–21–81 / Availability of implementation plan revision for the state of Oregon; comments by 2–20–81

6019 1–21–81 / Fully halogenated chlorofluoroalkanes; essential use exemption for pharmaceutical rotary tablet press punch lubricants; comments by 2–20–81

76631 11–19–80 / Hazardous waste management system; interim rule; comments by 2–17–81

5003 1–19–81 / Lecithin; exemption from the requirement of a tolerance; comments by 2–18–81

2120 1–8–81/ Rhode Island application for interim authorization, phase I, Hazardous Waste Management Program; comments by 2–17–81

3923 1–16–81 / State implementation plans; Connecticut; ambient monitoring network; comments by 2–17–81

FEDERAL COMMUNICATIONS COMMISSION

5008 1–19–81 / Communication Satellite Corporation, changes in corporate structure and operation; reply comments extended to 2–20–81

[Originally published at 45 FR 71629, 10–29–80]

85125 12–24–80 / Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (interim systems); reply comments by 2–17–81

5011 1–19–81 / FM broadcast stations in Andrews and Pawley's Island, S.C.; reply comments extended to 2–19–81

[*See also* 45 FR 73719, 11–6–80]

81215 12–10–80 / FM broadcast station in Lahaina, Maui, Hawaii; changes in table of assignments; reply comments by 2–16–81

81078 12–9–80 / FM broadcast station in Millersburg, Ohio; changes in table of assignments; reply comments by 2–16–81

81080 12–9–80 / FM broadcast station in Romney, West Va.; changes in table of assignments; reply comments by 2–16–81

6025 1–21–81 / MTS and WATS market structure; reply comments period extended to 2–16–81

[*See also* 45 FR 55777, 8–21–80]

72902 11–3–80 / Televison channel allotments at less than specified minimum mileage separation distances; reply comments by 2–15–81

[Corrected at 45 FR 78736, 11–26–80]

82283 12–15–80 / TV broadcast station in Middleton, Mass.; proposed changes in table of assignments; reply comments by 2–19–81

FEDERAL HOME LOAN BANK BOARD

85048 12–24–80 / Service Corporation activity; comments by 2–15–81

FEDERAL RESERVE SYSTEM

83510 12–19–80 / Credit by brokers and dealers; proposal to delete provision permitting use of Foreign currency in margin account; comments by 2–19–81

FEDERAL TRADE COMMISSION

82957 12–17–80 / Commissioners, disqualification in proceedings; comments by 2–17–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

3029 1–13–81 / Alpha-fetoprotein test kits; restriction of sale, distribution, and use; comments by 2–20–81

[*See also* 45 FR 74158, 11–7–80]

3831 1–16–81 / Antibiotic drugs; cefaclor; comments by 2–17–81

3835 1–16–81 / Antibiotic drugs; Meclocycline sulfosalicylate; comments by 2–17–81

69128 10–17–80 / Establishment of a monograph for ingrown toe nail relief drug products for over-the-counter human use; reply comments by 2–16–81

69122 11–17–80 / Establishment of monograph for nailbiting and thumbsucking deterrent drug products for over-the-counter human use; reply comments by 2–16–81

76183 11–18–80 / Medical devices; mandatory device experience reporting; comments by 2–17–81

3838 1–16–81 / Tests and methods of assay of antibiotic, containing drugs and lincomycin antibiotic drugs; microbiological turbidimetric assay for lincomycin hydrochloride monohydrate; comments by 2–17–81

Health Care Financing Administration—

83772 12–19–80 / Medicaid; administrative sanctions; suspension of convicted practitioners; comments by 2–17–81

Public Health Service—

82840 12–16–80 / Changes in provisions on eligibility for services of the Indian Health Service; comments by 2–17–81

82840 12–16–80 / Indian health; persons to whom services will be provided; comments by 2–17–81

83554 12–19–80 / Projects grants for community health services; comments by 2–17–81

83566 12–19–80 / Projects grants for migrant health; comments by 2–17–81

Social Security Administration—

84086 12–22–81 / Basic computation of benefits and lump sums; reduction in dropout years for disabled workers; comments by 2–20–81

84086 12–22–80 / Deductions; reductions; and nonpayments of benefits; limit on family disability insurance benefits; comments by 2–20–81

HISTORIC PRESERVATION ADVISORY COUNCIL

5578 1–19–81 / Historic preservation requirements of the urban development action grant program; comments by 2–18–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Assistant Secretary for Housing Office—

82958 12–17–80 / Multifamily projects covered by HUD mortgage insurance; increase of construction limit cost for assurance of completion; comments by 2–17–81

84046 12–22–80 / Rest supplement payments; comments by 2–20–81

Neighborhoods, Voluntary Associations and Consumer Protection—

84048 12–22–80 / Anti-Kickback regulations; clarification of certain terms; comments by 2–20–81

Office of the Secretary—

83261 12–18–80 / Siting of HUD–assisted projects in designated clear zones and accident potential zones at civil airports and military airfields; comments by 2–17–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

76012 11–17–80 / Endangered species; unarmored threespine stickleback (fish species); proposed critical habitat; comments by 2–17–81

Land Management Bureau—

82679 12–16–80 / Land use planning provisions; comments by 2–17–81

84102 12–22–80 / Sales of forest products—general; comments by 2–20–81

Office of the Secretary—

83412 12–18–80 / Fish and Wildlife Coordination Act; proposed rulemaking and availability of Draft Environmental Statement; comments by 2–17–81

Surface Mining Reclamation and Enforcement Office—

4951 1–19–81 / Surface coalmining and reclamation and enforcement under Federal program for Illinois; comments by 2–18–81

INTERSTATE COMMERCE COMMISSION

1323 1–6–81 / Business entertainment expenses; comments by 2–20–81

COMMERCE DEPARTMENT AND JUSTICE DEPARTMENT

9064 1–28–81 / Foreign Corrupt Practices Act; review procedures; effectiveness in reducing uncertainty as to meaning of antibribery provisions; inquiry; comments by 2–16–81

JUSTICE DEPARTMENT

Parole Commission—

84090 12–22–80 / Offense seventy table; upgrade seriousness of voluntary manslaughter; comments by 2–20–81

LABOR DEPARTMENT

83548 12–19–80 / Public contracts and property management; small and disadvantaged business program; comments by 2–17–81

Employment and Training Administration—

6017 1–21–81 / Changes to veterans preference indicators of compliance for FY 1981; comments by 2–20–81

Occupational Safety and Health Administration—

3919 1–16–81 / Withdrawal of the Indiana State Plan; comments by 2–17–81

Wage and Hour Division, Employment Standards Administration—

3916 1–16–81 / Employment of homeworkers in certain industries; comments by 2–17–81

83914 12–19–80 / Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; comments by 2–17–81

NATIONAL CREDIT UNION ADMINISTRATION

82955 12–17–80 / Federally insured credit unions; financial and statistical reports, semi-annual; comments by 2–17–81

NUCLEAR REGULATORY COMMISSION

86500 12–31–80 / Nuclear power plant codes and standards; construction of components and inservice inspection requirements; incorporation by reference; comments by 2–17–81

SECURITES AND EXCHANGE COMMISSION

83517 12–19–80 / Standardization of financial statement requirements in management investment company registration statements and reports to shareholders; comments by 2–16–81

STATE DEPARTMENT

Office of the Secretary—

3547 1–15–81 / Foreign Service Retirement and Disability System; benefits for spouses and former spouses; comments by 2–17–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

76872 11–20–80 / Aircraft engine regulatory review program; aircraft engine and related powerplant installation proposals; comments by 2–18–80

76894 11–20–80 / Operations review program notice No. 12; comments by 2–18–80

Federal Highway Administration—

60922 9–15–80 / National standards for traffic control devices; manual on uniform traffic control devices; railroad-highway projects; comments extended to 2–15–81

[*See also* 45 FR 40062, 6–12–80]

76924 11–20–80 / Utility relocations, adjustments, and reimbursement; comments by 2–18–81

Urban Mass Transportation Administration—

79669 12–1–80 / Innovative techniques and methods in the management and operation of public transportation; comments by 2–16–81

TREASURY DEPARTMENT

Customs Service—

82665 12–16–80 / Change in field organizations of the customs service; comments by 2–17–81

83260 12–18–80 / Inclusion of certain assist costs incurred in the United States as direct costs of processing operations and the generalized system of preferences; comments by 2–17–81

Internal Revenue Service—

84088 12–22–80 / Accumulated earnings tax; comments by 2–20–81

6018 1–21–81 / Limitation on foreign tax credit for foreign oil and gas taxes; comments period extended to 2–17–81

[*See also* 45 FR 75695, 11–17–81]

6019 1–21–81 / Payments to foreign countries for oil and gas that are not considered taxes; comments period extended to 2–17–81

[*See also* 45 FR 75692, 11–17–80]

Deadlines for Comments On Proposed Rules for the Week of February 22 through February 28, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

81058 12–9–80 / Antitrust provisions relating to raisins produced from grapes grown in California; comments by 2–27–81

Food Safety and Quality Service—

7387 1–23–81 / Prior label approval program, reopening of comment period; comments by 2–23–81

[Originally published at 45 FR 72197, 10–31–80]

CIVIL AERONAUTICS BOARD

85064 12–24–80 / Accounts and reports for certified air carriers, uniform system; reduction in financial and statistical reporting requirements; comments by 2–23–81

CIVIL AERONAUTICS BOARD

85075 12–24–80 / Cooperative shippers associations; permission to act as agents of direct air carriers; reply comments by 2–23–81

87012 12–31–80 / Tariffs; special tariff permission; fare changes; comments by 2–23–81

COMMERCE DEPARTMENT

Economic Analysis Bureau—

7214, 7244 1–22–81 / Direct investment surveys; proposed survey form and rule changes (2 documents); comments by 2–23–81

International Trade Administration—

85447 12–29–80 / Revision of appeals provisions of the export administration regulations; comments by 2–27–81

National Oceanic and Atmospheric Administration—

3942 1–16–81 / Taking of bowhead whales by Indians, Aleuts, or Eskimos for subsistence purposes; comments by 2–27–81

EDUCATION DEPARTMENT

7002 1–22–81 / Museum Services Program; comments by 2–23–81

ENERGY DEPARTMENT

78600 11–25–80 / Protection of human subjects; comments by 2–23–81

[Corrected at 45 FR 80830, 12–8–80]

Conservation and Solar Energy Office—

2522 1–9–81 / Residential Conservation Service Program; Federal RCS Plan; comments by 2–23–81

Federal Energy Regulatory Commission—

9637 1–29–81 / Water power projects "short-form" license applications for minor water projects and major water projects 5 megawatts or less; comments by 2–27–81

Federal Energy Regulatory Commission—

9962 1–30–81 / High-cost natural gas produced from tight formations; ceiling prices; comments by 2–25–81

ENVIRONMENTAL PROTECTION AGENCY

85085 12–24–80 / Air pollution; standards of performance for industrial surface coating operations within appliance assembly plants; comments by 2–23–81

85099 12–24–80 / Air pollution; standards of performance for industrial surface coating; appliance size; priority list; comments by 2–23–81

85084 12–24–80 / Air programs; primary nonferrous smelter orders; comments by 2–23–81

9127 1–28–81 / Air quality implementation plan; Ohio; approval and promulgation; comments by 2–27–81

7008 1–22–81 / Air quality, Ohio; revision to State implementation plan; sulfur dioxide emission limitations for sources in Pike and Wayne Counties; comments by 2–23–81

85481 12–29–80 / Approval and promulgation of Missouri State implementation plan for lead; comments by 2–27–81

8586 1–27–81 / Commonwealth of Pennsylvania; Proposed revision of the Pennsylvania State Implementation Plans; comments by 2–26–81

8575, 8583 1–27–81 / Ohio sulfur dioxide control strategy, approval and promulgation of implementation plans; comments by 2–26–81

84942 12–23–80 / Removal of oil and hazardous substance discharges; comments by 2–23–81

FEDERAL COMMUNICATIONS COMMISSION

9143 1–28–81 / Emergency radio service; additional systems on secondary basis; comments by 2–23–81

3929 1–16–81 / Further proposal regarding implementation of requirements of the International Maritime Satellite Telecommunications Act; comments by 2–27–81

3939 1–16–81 / Public coast station replies to general calls on Channel 16; reply comments by 2–27–81

82282 12–15–80 / TV broadcast station in East St. Louis, Ill.; proposed changes in table of assignments; reply comments by 2–23–81

9145 1–28–81 / TV broadcast stations; New Smyrna Beach, Orlando and Winter Park, Florida; table of assignments; comments by 2–23–81

84834 12–23–80 / TV broadcast station in Sacramento, Calif.; proposed changes in table of assignment; reply comments by 2–23–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

7274 1–23–81 / Antifungal antibiotic drugs; griseofulvin (ultramicrosize) tablets (final rule); comments by 2–23–81

7271 1–23–81 / Antioxidants and/or stabilizers for polymers; N,N'-hexamethylenebis(3,5-di-Tert-Butyl-4-hydroxyhydrocinnamamide) (final rule); comments by 2–23–81

81065 12–9–80 / Changes in proper names of certain biological products, revision of labeling requirements for blood and blood components, and revision of regulations on whole blood (human); comments period extended to 2–28–81

[*See also* 45 FR 72404, 72416, 72422, 10–31–80]

8461 1–27–81 / D&C Orange No. 4; listing of color additives subject to certification; objections by 2–26–81

8462 1–27–81 / Grapefruit juice; standards of identity and fill of container; objections by 2–26–81

8466 1–27–81 / N-methyl-N-(tall oil acyl) taurine, sodium salt; indirect food additives; paper and paperboard components; objections by 2–26–81

8465 1–27–81 / Polysorbate 60 and polysorbate 80; food additives permitted for direct addition to food for human consumption; objections by 2–26–81

7273 1–23–81 / Tests and methods of assay of antibiotic and antibiotic-containing drugs and tetracycline antibiotic drugs—doxycycline hyclate tablets (final rule); comments by 2–23–81

INTERIOR DEPARTMENT

Geological Survey—

84762 12–23–80 / Mineral resources of Federal and Indian lands; assessment of late payment charge for payments received after due date and for most underpayments; interim rule; comments by 2–23–81

84824 12–23–80 / Oil and gas and sulphur operations in the Outer Continental Shelf; comments by 2–23–81

Surface Mining Reclamation and Enforcement Office—

6997 1–22–81 / Surface coal mining and reclamation operations; State programs; approval procedures; comments by 2–23–81

INTERSTATE COMMERCE COMMISSION

2076 1-8-81 / Carrier net income; definition for dividend purposes; comments by 2-23-81

8604 1-27-81 / Elimination of certificates as the measure of "holding out"; comments by 2-26-81

1324 1-6-81 / Railroad tariffs; reduction of notice period for filing; comments by 1-26-81

LABOR DEPARTMENT

Employment and Training Administration—

7395 1-23-81 / Comprehensive Employment and Training Act (CETA) regulations concerning eligibility of prisoners; comments by 2-23-81

Employment and Training Administration—

7270 1-23-81 / Unemployment compensation for ex-servicemembers; new schedule of remuneration (final rule); comments by 2-27-81

PERSONNEL MANAGEMENT OFFICE

85685 12-30-80 / Basic and optional life insurance plans (interim regulations); comments by 2-23-81

84955 12-24-80 / Basic, standard optional, additional optional, and family optional life insurances; comments by 2-23-81

84808 12-23-80 / Elimination of individual listings of excepted service appointing authorities; comments by 2-23-81

SECURITIES AND EXCHANGE COMMISSION

9636 1-29-81 / Investment company current report forms, revisions; comment period extended to 2-27-81

[*See also* 45 FR 78158, 11-17-80]

SMALL BUSINESS ADMINISTRATION

85059 12-24-80 / Surety bond guarantee; revision of rules and regulations; comments by 2-23-81

STATE DEPARTMENT

83970 12-19-80 / International traffic in arms regulations; comments by 2-27-81

TRANSPORTATION DEPARTMENT

Coast Guard—

85476 12-29-80 / Identification of boats; comments by 2-27-81

79258 11-28-80 / Licensing of vessel pilots; comments by 2-26-81

[Corrected at 45 FR 80843, 12-8-80]

85475 12-29-80 / Manufacturer and dealer first-purchaser list requirements; comments by 2-27-81

85468 12-29-80 / Navigation lights for small vessels; comments by 2-27-81

Federal Aviation Administration—

8028 1-26-81 / High density traffic airports; comments by 2-27-81

10177 2-2-81 / Buy America requirements; comments by 2-23-81

National Highway Traffic Safety Administration—

8063 1-26-81 / Consumer information regulations; uniform the quality grading; comments by 2-25-81

10969 2-5-81 / Theft protection safety standard; extension of time for filing petitions for reconsideration; file by 2-27-81

[*See also* 45 FR 85450, 12-29-80]

Research and Special Programs Administration—

2121 1-8-81 / Hazardous Materials Regulations; shipment of dispersant gas and refrigerant gas; comments by 2-23-81

2126 1-8-81 / Shipment of Hazardous Materials miscellaneous amendments; comments by 2-23-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

10512 2-3-81 / Explosive material regulations amendments; comments by 2-18-81

Comptroller of the Currency—

85042 12-24-80 / Rules, policies, and procedures for corporate activities; comments by 2-23-81

3237 1-14-81 / Assessment of fees; national banks, District of Columbia; comments by 2-23-81

[*See also* 45 FR 85045, 12-24-80]

Internal Revenue Service—

85077 12-24-80 / Deferred compensation plans maintained by State and local governments and rural electric cooperatives; comments by 2-23-81

VETERANS ADMINISTRATION

8575 1-27-81 / Veterans benefits; lengths of service requirement; comments by 2-25-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

85493 12-29-80 / Oregon subcommittee of the Pacific Crest National Scenic Trail Advisory Council, Portland, Oreg. (open), 2-18-81

3576 1-15-81 / Pacific Crest National Scenic Trail Advisory Council, Washington Subcommittee, Seattle, Wash. (open), 2-19-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

10571 2-3-81 / Humanities Advisory Committee National Council, Washington, D.C. (partially open), 2-19 and 2-20-81

10571 2-3-81 / Special Projects Panel (Interdisciplinary Arts Projects), Washington, D.C. (closed), 2-19 and 2-20-81

9270 1-28-81 / Visual Arts Panel of the National Council on the Arts, Washington, D.C. (closed), 2-16 through 2-18-81

10572 2-3-81 / Visual Arts Panel (Sculpture Section) Washington, D.C. (closed), 2-19 through 2-22-81

CIVIL RIGHTS COMMISSION

9682 1-29-81 / Idaho Advisory Committee, Boise, Idaho (open), 2-21-81

3038 1-13-81 / New Hampshire Advisory Committee, Manchester, N.H. (open), 2-18-81

8633 1-27-81 / Oklahoma Advisory Committee, Lawton, Okla. (open), 2-17-81

8633 1-27-81 / Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 2-19-81

10792 2-4-81 / New Jersey Advisory Committee; New Brunswick N.J. (open), 2-18-81

9159 1-28-81 / Texas Advisory Committee, San Antonio, Tex. (open), 2-20-81

COMMERCE DEPARTMENT

International Trade Administration—

10186 2-2-81 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (partially open), 2-19-81

10187 2-2-81 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 2-19-81

National Oceanic and Atmospheric Administration—

8638 1-27-81 / Caribbean Fishery Management Council, Santurce, P.R. (open), 2-17 through 2-19-81

National Telecommunications and Information Administration—

11332 2-6-81 / Frequency Management Advisory Council, Washington, D.C. (open), 2-20-81

DEFENSE DEPARTMENT

Office of the Secretary—

85812 12-30-80 / DoD Advisory Group on Electron Devices, Working Group B, New York, N.Y. (closed), 2-17-81

EDUCATION DEPARTMENT

9162 1-28-81 / Adult Education National Advisory Council, Nashville, Tenn. (open) 2-18 and 2-19-81

9694 1-29-81 / Continuing Education National Advisory Council, San Diego, Calif. (open), 2-18 through 2-20-81

86894 12-31-80 / Educational Opportunity Centers Program; San Francisco, Calif., 2-17-81; Dallas, Tex., 2-19-81 (both sessions open)

1766 1-7-81 / Financing Elementary and Secondary Advisory Panel Education, Tampa, Fla. (open), 2-19 and 2-20-81

86922 12-31-80 / Special Programs Staff and Leadership Personnel Training Program; San Francisco, Calif., 2-17-81; Dallas, Tex., 2-19-81 (both sessions open)

86900 12-31-80 / Special Services for Disadvantaged Students Program; San Francisco, Calif., 2-17-81; Dallas, Tex., 2-19-81 (both sessions open)

86908 12-31-80 / Talent Search Program; San Francisco, Calif., 2-17-81; Dallas, Tex., 2-19-81 (both sessions open)

86914 Upward Bound Program; San Francisco, Calif., 2-17-81; Dallas, Tex., 2-19-81 (both sessions open)

10795 2-4-81 / Vocational Education National Advisory Council, Washington, D.C. (open) 2-20 and 2-21-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

2169 1-8-81 / Environmental impact statement; Bergen Units 1 and 2 Generating Station, Public Service Electric and Gas Co., Ridgefield, N.J. (open), 2-17-81

ENVIRONMENTAL PROTECTION AGENCY

6021 1-21-81 / Discussion of proposed significant new use determination for N-methanesulfonyl-p-toluenesulfonamide, Washington, D.C. (open), 2-17-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

7440 1-23-81 / Meeting, Washington, D.C. (open), 2-19-81

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

10542 2-3-81 / U.S. Post Office and Courthouse (PO&CT), Charleston, S.C., Proposed Annex Construction, Repair and Alteration, Charleston, S.C. (open), 2-20-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

5069 1-19-81 / Community Alcoholism Services Review Committee, Bethesda, Md. (partially open), 2-18 through 2-23-81

5069 1-19-81 / Criminal and Violent Behavior Review Committee, Washington, D.C. (partially open), 2-18 through 2-20-81

5069 1-19-81 / Paraprofessional Education Review Committee, Silver Spring, Md. (partially open), 2-19 through 2-21-81

5069 1-19-81 / Psychiatric Nursing Education Review Committee, Rockville, Md. (partially open), 2-17 through 2-19-81

5069 1-19-81 / Psychology Education Review Committee, Silver Spring, Md. (partially open), 2-18 through 2-21-81

5069 1-19-81 / Social Work Education Review Committee, Washington, D.C. (partially open), 2-17 through 2-20-81

Food and Drug Administration—

7441 1-23-81 / Consumer Participation, Pittsburgh, Pa. (open), 2-19-81

National Institutes of Health—

3284 1-14-81 / Neurological Disorders Program—Project Review B Committee, Bethesda, Md. (partially open), 2-20-81

3283 1-14-81 / Neurological Disorders Program Project Review A Committee, Marina Del Ray, Calif. (partially open), 2-14 through 2-16-81

3284 1-14-81 / Population Research Committee, Bethesda, Md. (partially open), 2-20-81

6071 1-21-81 / Sickle Cell Disease Advisory Committee, Bethesda, Md. (open), 2-19 and 2-20-81

6074 1-21-81 / Various study sections, Bethesda, Md. (partially open), 2-17 through 2-21-81

Office of the Secretary—

7095 1-22-81 / Departmental Grant Appeals Board, Washington, D.C. (open), 2-17-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

3188 1-13-81 / Astragalus montii (Heliotrope milk-vetch); proposed endangered status and critical habitat, Nephi, Utah (open), 2-18-81

Land Management Bureau—

3992 1-16-81 / Alabama—Southern Appalachian Coal Team, Tuscaloosa, Ala. (open), 2-17-81

Land Management Bureau—

3641 1-15-81 / Eugene District Advisory Council, Eugene, Oreg. (open), 2-17-81

7460 1-23-81 / Fort Union Regional Coal Team, Billings, Mont. (open), 2-18 and 2-19-81

3641 1-15-81 / Grand Junction District Multiple Use Advisory Council, West Glenwood Springs, Colo. (open), 2-17-81

3994 1-16-81 / Idaho Falls District Grazing Advisory Board, Idaho Falls, Idaho (open), 2-21-81

3642 1-15-81 / Redding District Multiple Use Advisory Council, Redding, Calif. (open), 2-18 and 2-19-81

2196 1-8-81 / Salt Lake District Grazing Advisory Board, Salt Lake City, Utah (open), 2-18-81

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

10570 2-3-81 / Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 2-19-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

9821 1-29-81 / NASA Advisory Council (NAC), Space Systems Technology Advisory Committee (SSTAC), Informal Advisory Subcommittee on Space Systems, McLean, Va. (open), 2-17 and 2-18-81

9821 1-29-81 / NASA Advisory Council (NAC), Space Systems Technology Advisory Committee (SSTAC), Space Power and Electric Propulsion Subcommittee, Washington, D.C. (open), 2-18 and 2-19-81

NATIONAL SCIENCE FOUNDATION

10572 2-3-81 / Earth Sciences Advisory Committee, Washington, D.C. (open), 2-20-81

10573 2-23-81 / Physiology, Cellular and Molecular Biology, Advisory Committee, Molecular Biology, Group B of Subcommittee, Washington, D.C. (closed), 2-19 and 2-20-81

NUCLEAR REGULATORY COMMISSION

6107 1-21-81 / Advisory Panel for the Decontamination of Three Mile Island, Unit 2, Harrisburg, Pa. (open), 2-19-81

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

10244 2-2-81 / Independent Areas Task Force, Washington, D.C. (open), 2-17 and 2-18-81

STATE DEPARTMENT

Office of the Secretary—

11401 2-6-81 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea (Radiocommunications Working Group), Washington, D.C. (open), 2-19-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

9837 1-29-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 142 on Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment, Washington, D.C. (open), 2-17 and 2-18-81

9837 1-29-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 147-Active Beacon Collision Avoidance System (BCAS), Washington, D.C. (open), 2-19 and 2-20-81

9837 1-29-81 / Federal Highway Administration—
Spartanburg County, S.C., environmental impact statement, outside city of Spartanburg, S.C. (open), 2-17-81

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Rural Electrification Administration—

3949 1-16-81 / Deseret Generation and Transmission Cooperative; Draft Environmental Impact Statement, Salt Lake City, Utah, 2-17; Vernal, Utah, 2-18, and Rangely, Colorado, 2-19-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

8638 1-27-81 / Gulf of Mexico and South Atlantic Fishery Management Councils; Naples, Fla., 2-17-81; St. Petersburg, Fla., 2-18-81

10182 2-2-81 / Pacific Fishery Management Council, North Bend, Oreg. 2-19; Astoria, Oreg., Eureka, Cal. and Pocatello, Id., 2-20-81; Burlingame, Cal. and Renton, Wash. 2-21-81

8639 1-27-81 / South Atlantic Fishery Management Council; Miami, Fla., 2-17-81; West Palm Beach, Fla., 2-18-81; Daytona Beach, Fla., 2-19-81

EDUCATION DEPARTMENT

8032 1-26-81 / Higher Education Amendments of 1980, Student Financial Assistance and Title I and Trio Programs, San Francisco, Ca., 2-17-81

8032 1-26-81 / Higher Education Amendments of 1980, Student Financial Assistance Programs and Title I and Trio Programs, Arlington, Texas, 2-19-81

ENERGY DEPARTMENT

4482 1-16-81 / Commercial and Apartment Conservation Service Program, Washington, D.C. 2-19-81

Conservation and Solar Energy Office—

9005 1-27-81 / Residential Conservation Service programs; Federal RCS Plan, Washington, D.C. 2-19 and 2-20-81
[*See also* 46 FR 2522, 1-9-81]

8996 1-27-81 / Residential Conservation Service program, Washington, D.C., 2-20-81

ENVIRONMENTAL PROTECTION AGENCY

8352 1-26-81 / Standards of performance for new stationary sources, Research Triangle Park, N.C., 2-19-81

INTERIOR DEPARTMENT

Heritage Conservation and Recreation Service—

5566 1-19-81 / Archaeological Resources Protection Act of 1979; Proposed uniform rulemaking, Albuquerque, N. Mex., 2-21-81

National Park Service—

2393 1-9-81 / Gateway National Recreation Area, Brooklyn, N.Y., 2-17-81

INTERNATIONAL TRADE COMMISSION

7108 1-22-81 / Generalized system of preferences; economic impact on the domestic jewelry industry, Providence, R.I., 2-19-81

81688 12-11-80 / Nonrubber footwear, Washington, D.C., 2-20-81

LABOR DEPARTMENT

Wage and Hour Division—

80555 12-5-80 / Employment of Homeworkers in certain industries, Washington, D.C., 2-17-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

11391 2-6-81 / Procurement; development of uniform system, Washington, D.C., 2-19-81

TRANSPORTATION DEPARTMENT

Coast Guard—

83290 12-18-80 / Tankerman requirements, Long Beach, California, 2-18-81

TREASURY DEPARTMENT

Internal Revenue Service—

84089 12-22-80 / Common trust funds, Washington, D.C., 2-19-81

3560 1-15-81 / Crude oil windfall profit tax; tiers 2 and 3 base prices; Washington, D.C., 3-3-81
[*See also* 45 FR 75231, 11-14-81]

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES

10973 2-5-81 / Commerce/MBDA—Financial Assistance Application; apply by 3-13-81

10588 2-3-81 / EPA—Women's business enterprise policy for the construction grants program [PRM #80-47; applicability date deferred until 6-1-81
[*See also* 45 FR 51490, 8-1-80]

10857 2-4-81 / HHS/HRA—Allied Health Project Grants; apply by 2-27-81

11363 2-6-81 / HHS/Sec'y—Poverty Research Center, extension of deadline for applications from 2-16-81 to 2-17-81

11381 2-6-81 / Justice/NIJ—Police collective bargaining; solicitation of preliminary proposals by 4-30-81

OTHER ITEMS OF INTEREST

10189 2-2-81 / CSA—Decision to fund the National Council of Senior Citizens, Inc.; Energy care project operating in every State

10153 2-2-81 / ED—Direct grant programs; Strengthening State educational agency management; assistance for current school expenditures in cases of certain disasters; correction [Originally published at 45 FR 86296, Dec. 30, 1980]

10516 2-3-81 / ED—Nondiscrimination under programs receiving Federal assistance; proposed rulemaking withdrawal

11363 2-6-81 / HUD/CPD—Community Development Block Grants; urban development action grants; preliminary funding approval date

11382 2-6-81 / Labor/ETA—Employment transfer and business competition determinations under Rural Development Act; receipt of application from Val Decker Packing Co.

11399 2-6-81 / NSF—Nominations for membership; applications due 4-1-81

MEETINGS

11334 2-6-81 / ED—Indian Education National Advisory Council, Tempe, Ariz. (closed), 3-7-81

10208 2-2-81 / HHS/ADAMHA—Neurological and Communicative Disorders and Stroke, National Institute, Consensus Development Conference on Reye's Syndrome, Bethesda, Md. (open), 3-2, 3-3, and 3-4-81

10208 2-2-81 / HHS/ADAMHA—Research Resources Division, Animal Resources Subcommittee, Animal Resources Review Committee, Bethesda, Md. (partially open), 3-11 and 3-12-81

10208 2-2-81 / HHS/ADAMHA—Pharmacological Sciences Review Committee, Bethesda, Md. (open), 3-12 and 3-13-81

10207 2-2-81 / HHS/ADAMHA—Minority Advisory Committee, Rockville, Md. (open), 2-23 and 2-25-81

10207 2-2-81 / HHS/NIH—Mental Retardation Research Committee, Bethesda, Md. (partially open), 3-10-81

10209 2-2-81 / HHS/PHS—National Toxicology Program, San Diego, Calif. (open), 3-1-81

11388 2-6-81 / Library of Congress—American Folklife Center, Washington, D.C. (open), 3-13-81

10571 2-3-81 / NFAH—Humanities National Advisory Council, Washington, D.C. (partially open), 2-19 and 2-20-81

10571 2-3-81 / NFAH—Special Projects Panel (Interdisciplinary Arts Projects), Washington, D.C. (closed), 2-19 and 2-20-81

10572 2-3-81 / NFAH—Visual Arts Panel (Sculpture Section), Washington, D.C. (closed), 2-19 through 2-22-81

10572 2-3-81 / NSF—NSF Advisory Council, Washington, D.C. (open), 2-26-81

10572 2-3-81 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee, Cellular Physiology Subcommittee, Washington, D.C. (closed), 2-25 through 2-27-81

10572 2-3-81 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee, Departmental Biology Subcommittee, Washington, D.C. (closed), 2-26 through 2-28-81

10573 2-3-81 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee, Molecular Biology Subcommittee, Group B, Washington, D.C. (closed), 2-19 through 2-20-81

10573 2-3-81 / NSF—Social and Economic Science Advisory Committee, Geography and Regional Science Subcommittee, Washington, D.C. (closed), 2-27-81

10573 2-3-81 / NSF—Special Research Equipment Advisory Committee, Chemistry Subcommittee, Washington, D.C. (closed), 2-23 through 2-24-81

List of Public Laws

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

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