

federal register

Monday
February 23, 1981

Highlights

- 13501 Poison Prevention** CPSC alters its regulations by exempting requirements for child-resistant packaging of acetaminophen preparations; effective 2-23-81
- 13580 Grants** HHS/HRA publishes specific requirements for schools of medicine to establish eligibility for participation in Health Professions Capitation Grant Program
- 13525 Excise Taxes** Treasury/IRS rules and proposes to rule on windfall profit tax as it pertains to qualified disburser election; comments by 4-24-81 (2 documents)
- 13676 Community Action Program** HUD/CPD revises the Housing Assistance Plan (HAP) regulations for small cities by establishing a single set of requirements for both comprehensive and single purpose grant applicants; effective 3-27-81
- 13512 Flood Insurance Program** FEMA revises regulations dealing with minimum premiums, minimum commissions, and the effective date of flood insurance coverage; effective 3-25-81
- 13587 Coal** Interior/GS invites the public to submit comments by 3-25-81, on the maximum economic recovery fair market value of the listed tracts

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Highlights

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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.

- 13528 Reserve Forces** FEMA proposes peacetime screening of non-Federal employees who are members of the military ready reserve; comments by 4-24-81
- 13542 Consumer Protection** CPSC issues list with brief descriptions, priority projects for fiscal year 1981 for commission action to reduce or eliminate unreasonable risks of injury associated with consumer products
- 13583 Aliens** HHS/RRO describes the availability of funding for a national service project to establish a comprehensive information system in support of refugee resettlement activities
- 13511 Interpretive Rulings** HHS/PHS publishes information relating to requirements for federally qualified health maintenance organizations

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- 13584** HUD
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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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

Uranium Mill Licensing Requirements

Correction

On Friday, February 6, 1981, a correction to 10 CFR Part 40 was published on page 11237. The printed format of the correction was misleading, however. For the convenience of the reader, the changes made by that correction are clarified, and the appropriate Code of Federal Regulations text is included as follows:

1. On page 65531 in the Federal Register of Friday, October 3, 1980, a new paragraph added to § 40.31 was incorrectly designated as (g) instead of (h). Therefore, on page 65531, in the center column, the eleventh amendatory instruction is corrected to read:

"11. Section 40.31 of 10 CFR Part 40 is amended by adding a new § 40.31(h) to read as follows:"

§ 40.31 Applications for specific licenses.

(h) An application for a license to receive, possess, and use source material for uranium or thorium milling or byproduct material, as defined in this Part, at sites formerly associated with such milling shall contain proposed written specifications relating to milling operations and the disposition of the byproduct material to achieve the requirements and objectives set forth in Appendix A of this Part. Each application must clearly demonstrate how the requirements and objectives set forth in Appendix A of this Part have been addressed. Failure to clearly demonstrate how the requirements and objectives in Appendix A have been addressed shall be grounds for refusing to accept an application.

Appendix A—[Amended]

2. In addition, Appendix A to Part 40 (appearing on page 65533) is corrected by changing references from "§ 40.31(g)" to "§ 40.31(h)" wherever they occur in the second and third paragraphs.

BILLING CODE: 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-3-AD; Amdt. 39-4049]

Airworthiness Directives; Cessna Models 152, A152, 172N, 172P, R172K and 172RG Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD) applicable to Cessna Models 152, A152, 172N, 172P, R172K and 172RG airplanes. This AD requires a one-time inspection of the fuel tank, gauge and selector valve installations to verify that the fuel tank quantity shown on the fuel gauge and selector valve correspond to the actual fuel tank capacity. This action is necessary to prevent inaccurate estimation of fuel reserves on airplanes equipped with improper fuel gauges which could result in premature fuel depletion and an ensuing forced or emergency landing.

EFFECTIVE DATE: March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: A report has been received that a Cessna Model 172N airplane had fuel gauges installed that were placarded for 24 gallons usable fuel while the fuel tanks had a capacity of 20 gallons usable fuel. Additionally, a report was received of a Cessna Model 172N airplane having 24 gallon fuel tanks and a gauge installed that was placarded with 20 gallons when full. It has also been confirmed that on Cessna Model 152 airplanes the

manufacturer installed fuel gauges which were incorrectly marked for the capacity of the fuel tanks involved. Those gauges which are marked below the actual usable fuel capacity could result in conservative fuel reserve estimates. However, gauges marked with a usable capacity exceeding the actual tank capacity could result in depletion of fuel reserves prior to reaching the intended destination. FAA investigations at the manufacturer have also indicated that the fuel tank selector marking may not correspond to the fuel tank capacity.

Since this condition is likely to exist or develop on airplanes of the same type design, the FAA is issuing an AD, applicable to Cessna Models 152, A152, 172N, 172P, R172K and 172RG airplanes, requiring a one-time visual inspection of the fuel tank, gauge and selector valve installations to verify that the fuel tank quantity shown on the fuel gauge and selector valve correspond to the actual usable fuel. New placarding and/or fuel gauges, as necessary, must be installed to assure agreement between the airplane markings for usable fuel and actual fuel tank capacity. This action is necessary to prevent inaccurate estimation of fuel reserves on airplanes equipped with improper fuel gauges which could result in premature fuel depletion and ensuing forced or emergency landings.

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

Adoption of the Amendment

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

Cessna: Applies to Model 152, A152, 172N, 172P, R172K and 172RG airplanes certificated in all categories with the following serial numbers:

Model and Serial Numbers

152—152B3592 thru 152B4627
A152—A1520879 thru A1520952
172N—17272885 thru 17274009
172P—17274010 thru 17274357

R172K—R1723200 thru R1723403
172RG—172RG0001 thru 172RG0698

Compliance: Required as indicated unless already accomplished.

To reduce the possibility of fuel depletion due to incorrect fuel quantity markings within the next 25 hours time-in-service after the effective date of the AD, accomplish the following:

(A) Visually inspect the airplane fuel tank access cover using Figure 1 to identify the fuel tank capacity.

(B) When the actual fuel tank capacity has been determined:

(1) Visually inspect the placarding adjacent to the fuel filler openings, to verify that these markings agree with the actual fuel tank capacity; and

(2) Visually inspect the placarding adjacent to the fuel tank selector valve, and fuel gauge markings to verify that these markings agree with the usable fuel for the fuel tanks installed.

(C) Paragraphs A and B of this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service. An entry must be made in the Aircraft Maintenance Records indicating compliance with this AD.

(D) Replace any incorrect fuel gauges, fuel tank selector valve placards and/or fuel tank filler placards with those compatible with the fuel tank capacity.

(E) Within forty-eight (48) hours after compliance with this AD notify, in writing, the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209 of any incorrect fuel gauges, fuel tank selector valve placards and/or fuel tank filler placards found during AD compliance. One acceptable means of making these reports is Malfunction or Defect Reports (FAA Form 8010). (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(F) The airplane may be flown in accordance with FAR 21.197 to a location where paragraph (D) of this AD may be accomplished.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Room 238, Mid-Continent Airport, Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 942-4285.

(Secs. 313(3), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

It has been determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

This amendment becomes effective on March 2, 1981.

Note.—The FAA has determined that this document involves a regulation which is not

significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-5446.

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-5864 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-EA-47; Amdt. 39-4050]

Airworthiness Directives; Mooney Mite Model 18

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues an amendment to AD 79-11-05 applicable to Mooney Mite 18 type airplanes. AD 79-11-05 requires a repetitive inspection every 36 months at areas of the horizontal and vertical stabilizers. Subsequent to publishing AD 79-11-05 at the request of an owner, it was determined that an alternate method of compliance using a borescope and permanent access holes was acceptable. This amendment permits such alternate compliance.

EFFECTIVE DATE: April 1, 1981.

Compliance is required as set forth in the AD.

FOR FURTHER INFORMATION CONTACT: L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: Since a situation exists which permits an optional method of compliance, it is found that notice and public procedure hereon are unnecessary, and permits making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended by amending AD 79-11-05 as follows:

Amend AD 79-11-05 as follows:

a. In the first paragraph starting "To prevent failure", after "accomplish the

following", add: "inspections and checks or approved equivalents".

b. In paragraph (6), after "Equivalent repairs," add: "inspections and".

c. Change paragraph (7) to read: "A borescope, utilizing FAA approved permanent access holes, is considered an approved equivalent means of inspection only for the vertical and horizontal stabilizers, when satisfying the requirements of paragraphs (1), (2), and (3). The borescope inspection shall be accomplished within the next 30 days after the effective date of this AD, unless already accomplished within the last 11 months, and thereafter at intervals not to exceed 12 months from the last inspection".

d. Add paragraph (8) to read: "Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, May adjust the inspection time in this Airworthiness Directive."

Effective Date: This amendment is effective April 1, 1981.

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

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

Issued in Jamaica, New York, on February 12, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-5866 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AWA-22]

Revocation and Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes the segment of VOR Federal Airway V-53 between Indianapolis, Ind., and Peotone, Ill. The current V-53 has multiple transition points with V-128 within this area. These transition intersections have caused some misunderstanding and flight plan confusion, thereby compromising air safety. This action eliminates that confusion.

DATES: Effective date: April 16, 1981. Comments must be received on or before March 23, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 80-WA-22, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois, 60018.

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

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.123 of Part 71 is to revoke the segment of V-53 between Indianapolis, Ind., and Peotone, Ill., and designate that segment as V-399. The current charting of V-53 in that portion of the airway has multiple transition points with V-128. There have been misunderstandings, confusion and errors due to the multiple junctions. Also, there is poor radar coverage which compounds the problem. Since this amendment merely renames an existing airway segment with no change in the controlled airspace and since the amendment is editorial in nature, I find good cause that notice and public procedure are unnecessary. However, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished on January 2, 1981, (46 FR 409).

Adoption of the Amendment

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

In V-53: "Indianapolis: INT Indianapolis 312° and Boiler 159° radials; Boiler, INT Boiler 313° and Peotone, Ill., 152° radials; to Peotone." is deleted and "Indianapolis;" is substituted therefor.

"V-399 From Indianapolis, Ind., via INT Indianapolis 312° and Boiler, Ind., 159° radials; Boiler, INT Boiler 313° and Peotone, Ill., 152° radials; to Peotone." is added. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

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

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 13, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5882 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9132]

The Central Florida Electrical Bid Depository, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Winter Park, Fla. corporation operating a non-profit electrical bid depository service, and nine individuals to cease engaging in any course of action, conspiracy or agreement which has the purpose or effect of fixing, maintaining, stabilizing, or tampering with the price of electrical contracting services, including: encouraging or requiring members or signatories to exchange

relevant bid information prior to bid opening time; barring them from negotiating or submitting bids after the bid filing deadline; requiring them to function exclusively through the bid depository; and penalizing those who fail to do so. Further previously suspended recalcitrants must be reinstated, and the corporation is required to promptly amend its rules and regulations so as to conform with the terms of the order.

DATES: Complaint issued Nov. 28, 1979. Decision and order issued Jan. 22, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3801.

SUPPLEMENTARY INFORMATION: On Monday, Nov. 10, 1980, there was published in the Federal Register, 45 FR 74502, a proposed consent agreement with analysis in the Matter of The Central Florida Electrical Bid Depository, Inc., a corporation, and David Perry, Robert Behe, Larry Poirier, Fred Newton, individually and as officers and directors of said corporation, and Charles Mayo, Helmuth Eidel, Donald Burchnell, Patrick Kelly, and Lynn Harden, individually and as directors of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.431 To exchange future price information; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements,

¹ Copies of the Complaint and the Decision and Order Filed with the original document.

§ 13.533-60 Release of general, specific, or contractual constrictions, requirements or restraints.

9 (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 81-0017 Filed 2-20-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 8940]

Control Data Corporation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, two Bloomington, Minn. sellers of training courses to cease misrepresenting the purpose, significance or results of entrance examinations or aptitude tests; the qualifications or prerequisites necessary to obtain employment in the computer field or in any other field; and the cost and effectiveness of their job-placement services. Respondents are required to give prorated refunds to students who fail to complete their courses, or to compute the amount of money owed to them by students on a prorated basis. Students having unresolved complaints against the companies must be provided, on a shared-cost basis, with an impartial arbitration service empowered to order payment of refunds to those eligible. Additionally, the order requires that individuals selling training courses display nameplates identifying them as "Sales Representatives"; and that the companies institute a surveillance program designed to detect those parties who fail to comply with the terms of the order.

DATES: Complaint issued Oct. 3, 1973. Order issued Jan. 9, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/PM, Walter Gross, III, Washington, D.C. 20580, (202) 523-3911.

SUPPLEMENTARY INFORMATION: On Tuesday, Oct. 21, 1980, there was published in the *Federal Register*, 45 FR 69470, a proposed consent agreement with analysis in the Matter of Control Data Corporation, a corporation, and

Automation Institute of America, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; 13.15-20 Business methods and policies; 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities § 13.50 Dealer or seller assistance; § 13.105 Individual's special selection or situation; § 13.115 Jobs and employment service; § 13.155 Prices, 13.155-5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-5 Arbitration, 13.533-20 Disclosures, 13.533-45 Maintain records, 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding correction, adjustments or action owed. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1608 Dealer or seller assistance; § 13.1663 Individual's special selection or situation; § 13.1670 Jobs and employment; § 13.1740 Scientific or other relevant facts; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices, 13.1882-10 Additional prices unmentioned; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducement to Purchase or Deal: § 13.1960 Free service; § 13.1995 Job

guarantee and employment; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

[FR Doc. 81-0018 Filed 2-20-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3054]

Mobil Oil Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City manufacturer of chemical, fuel and lubrication products to cease representing in the advertising, labeling and sale of "Mobil 1" that its use in automobiles will reduce the consumption of engine lubricating oil, unless, in conjunction with such representation, respondent sets forth a prescribed statement advising new users of the product to check the oil level of their cars frequently because some cars will experience higher oil consumption with low viscosity oils like Mobil 1.

DATES: Complaint and order issued Jan. 22, 1981.¹

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, 2001 Bryan St., Suite 2665, Dallas, Texas 75201. (214) 767-0032.

SUPPLEMENTARY INFORMATION: On Tuesday, Sept. 23, 1980, there was published in the *Federal Register*, 45 FR 63000, a proposed consent agreement with analysis in the Matter of Mobil Oil Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestion or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

¹ Copies of the Complaint and the Decision and Order filed with the original document.

¹ Copies of the Complaint and the Decision and Order filed with the original document.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20, Disclosures; 13.533-40 Furnishing information to media.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,
Secretary.

(FR Doc. 81-6018 Filed 2-20-81; 8:45 am)

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging; Exemptions From Requirements for Child-Resistant Packaging of Acetaminophen Preparations

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission exempts certain powdered and effervescent acetaminophen preparations from its regulation, under the Poison Prevention Packaging Act of 1970, that requires child-resistant packaging for any acetaminophen preparation in a dosage form intended for oral administration that contains a total amount of more than one gram of acetaminophen in a single package.¹ The exemptions are issued because the available information indicates that special packaging is not required to protect children under 5 years of age from serious personal injury or serious illness resulting from ingesting such substances.

DATE: The exemption is effective February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6400.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 (the "PPPA," 15 U.S.C. 1471-1476) authorizes the Commission to establish standards for the "special packaging" of any household substance

if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance. Special packaging is often referred to as "child-resistant packaging" and is defined as packaging that is (1) designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and (2) not difficult for normal adults to use properly. (It does not mean, however, packaging which all such children cannot open, or obtain a toxic or harmful amount from, within a reasonable time.) Under the PPPA, effectiveness standards have been established for special packaging (16 CFR 1700.15), as has a procedure for evaluating the effectiveness (§ 1700.20). Regulations have been issued requiring special packaging for a number of household products (§ 1700.14).

The Commission has issued a requirement, under the Poison Prevention Packaging Act of 1970, that requires all preparations for human use in a dosage form intended for oral administration and containing in a single package a total of more than one gram of acetaminophen to be packaged in special packaging (section 1700.14(a)(16) of Title 16 of the Code of Federal Regulations, 44 FR 51211). This requirement became effective February 27, 1980, for all acetaminophen products packaged after that date. Acetaminophen is an analgesic and antipyretic which is widely used as a substitute for aspirin. Although acetaminophen is safe and effective when taken in its proper dose, and is also valuable for those individuals who are sensitive or allergic to aspirin, ingestion of large amounts of acetaminophen can cause serious toxic effects.

Liver damage and deterioration of liver function are the major toxic effects of ingestion of large amounts of acetaminophen. A detailed discussion of the Commission's reasons for requiring acetaminophen preparations to be in special packaging is contained in the notice that issued the requirement.

Although the human experience data and medical literature did not reveal any instance in which one gram or less of acetaminophen had caused serious injury or illness after an acute ingestion,

these sources did show that doses of over 1 gram involved an increasing risk of liver damage. Therefore, the Commission required special packaging for acetaminophen products containing more than 1 gram of acetaminophen in a single package.

Several of the comments that were received after the acetaminophen special packaging requirement was proposed (43 FR 4632; February 3, 1978) suggested that certain products should be exempted from the requirement. Two of these exemption requests, for powdered and effervescent acetaminophen preparations, were deemed by the Commission to have sufficient merit to warrant proposal of the exemptions (44 FR 51230; August 31, 1979), and the Commission stayed the effective date of the requirement as to these products. These products are discussed separately below.

B. Requests for Exemptions

Exemption for effervescent formulations. Warner-Lambert Company requested that the regulation exempt effervescent formulations, which are those in which the presence of moisture causes the rapid liberation of carbon dioxide. Warner-Lambert contended the exemption should be granted because:

1. In the granular form, such products are difficult for children to ingest or consume.
2. Effervescence while the product is on the tongue is markedly unpleasant.
3. The volume of foam and carbon dioxide that is produced when the product is ingested in undissolved form tends to produce gagging.
4. In undissolved form, the products have an objectionable salty taste.
5. It is possible for nausea and vomiting to be caused by the product's salinity.

Warner-Lambert noted that the Commission has previously exempted effervescent aspirin tablets from the regulation that requires child-resistant packaging for aspirin (16 CFR 1700.14(a)(1)(i)). This exemption for aspirin is limited to tablets containing less than 10% aspirin and that have an oral median lethal dose (LD-50) of greater than 5 grams per kilogram of body weight, and the exemption also contains a requirement that the tablet produce at least a specified amount of carbon dioxide when placed in water.

The limitation requiring the release of a minimum amount of carbon dioxide (85 ml of carbon dioxide when a single dosage of aspirin is placed in water at standard temperature and pressure) was established because tablets releasing this amount of carbon dioxide have been found to be repulsive to children

¹ The vote to grant exemption was 4 to 1; Commissioner Edith Sloan dissented.

because of their effervescent characteristic.

The aspirin exemption's limitations that the dosage contain not more than 10 percent of the regulated ingredient and have an LD-50 of greater than 5 grams per kilogram of body weight were designed to establish reasonable limits for the allowable concentration of the regulated ingredient and the toxicity of a single dosage unit.

These particular boundaries were also requested for the exemption for effervescent acetaminophen products, since the commenter asked for an exemption similar to that available for aspirin.

The Commission has determined that the considerations that apply to effervescent tablets also apply to effervescent products in granular form. Therefore, after considering this exemption request, the Commission preliminarily concluded that the effervescent acetaminophen products for which the exemption is requested have similar physical characteristics to the aspirin products which have been previously exempted. In addition, a review of human experience data collected by the National Clearinghouse for Poison Control Centers (NCPCC) shows that there had not been a history of serious illness or serious injury associated with the effervescent acetaminophen product that is currently on the market in granular form. (The NCPCC data for the period from 1972 through 1976 revealed 12 ingestions of effervescent acetaminophen products, 2 of which resulted in symptoms. One case, in which the symptom was reported as lethargy, resulted in hospitalization.) For these reasons, it preliminarily appeared to the Commission that for effervescent acetaminophen products, the special packaging requirement was not necessary to protect children from serious personal injury or serious illness, subject to the conditions applicable to the exemption for effervescent aspirin products.

Exemption for acetaminophen products in powder form. Block Drug Company Inc. commented that it generally agreed with the proposed child-resistant packaging requirement for acetaminophen, but requested an exemption for powdered acetaminophen preparations. Block stated that there should not be a problem with ingestion by children of this form of the product because of its unpleasant taste and because the child is likely to spill much of it before it can be ingested. Block contended that this product is analogous to the powdered aspirin products that have been previously exempted by the

Commission from the special packaging requirement for aspirin. See 42 FR 20291, April 19, 1977, and 43 FR 17330, April 21, 1978 (16 CFR 1700.14(a)(1)(ii)).

The exemption for aspirin powders is restricted to unflavored powders, other than those intended for pediatric use, that are packaged in unit doses providing not more than 13 grains of aspirin per unit dose. The specific level of 13 grains of acetaminophen per unit dose was also requested for the acetaminophen exemption requested by Block Drug Company, Inc. The 13 grain unit dose level is less than the 1 gram package level that is regulated under the rule. Therefore, a package containing one unit dose of 13 grains is not subject to the rule. In order for a child to gain access to a toxic amount of acetaminophen powder, the child would have to open at least two of the unit dose packages.

A review of human experience data shows no reports of serious illness or injury in young children from ingestion of powdered acetaminophen preparations; however, these powdered preparations have been on the market for only two years. A review of NCPCC data for aspirin powders, which have been marketed for many years, also demonstrates a lack of child ingestion problems with this dosage form. The physical characteristics of the powdered acetaminophen preparations are similar to those of the aspirin products that have been previously exempted. Therefore, it preliminarily appeared to the Commission that in the case of powdered acetaminophen products, the special packaging requirement is not necessary to protect children from serious personal injury or serious illness caused by unflavored acetaminophen preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses containing not more than 13 grains of acetaminophen per dose.

After considering the requests that powdered and effervescent preparations be exempted from the requirement for special packaging of acetaminophen preparations and all the data available to it, the Commission proposed the requested exemptions at 44 FR 51230.

C. 1979 Injury Data

Since the publication of the proposed exemptions for acetaminophen products in unflavored powder or effervescent form, the Commission has received no reports of injuries to children from ingestion of products to which the exemptions would apply.

During 1979, an estimated 5200 children under the age of five years were seen in hospital emergency rooms

in the United States for poisonings associated with medicinals containing acetaminophen. This estimate is based on 122 cases reported through the National Electronic Injury Surveillance System (NEISS) during the same period. Approximately 16 percent of these children were admitted to the hospital. None of the acetaminophen-containing products were identified as effervescent tablets or granules or unflavored powders.

During 1979, unflavored powders containing acetaminophen had been on the market for only a short period of time, and there were no injuries associated with such powders. However, as noted above, aspirin has been marketed in an unflavored powder form for many years. Since these aspirin powders are similar in appearance and taste characteristics to the acetaminophen powders to which the exemption would apply, injury data associated with the aspirin powders may indicate the extent of any risk associated with ingestion of acetaminophen powders. During 1979, NEISS reported 310 cases associated with the ingestion of medicinal preparations containing aspirin by children under five years of age. None of these cases were reported as being associated with unflavored aspirin powders. Two of the cases involved effervescent tablets containing aspirin. Both children in these cases were treated and released from the hospital emergency room.

D. Response to the Proposal

Six comments from the public were received on the proposal. Two comments were received from individuals who opposed the proposed exemptions.

The first comment argued that the fact that the acetaminophen products proposed to be exempted are perceived by adults as having an unpleasant taste should not lead to the conclusion that the products should be exempt from child resistant packaging requirements in view of the fact that infants have been known to swallow products including turpentine and insect repellent, which presumably also have an unpleasant taste. In response to this comment, the Commission notes that the products mentioned by this commenter pose a different type of risk than the powder or effervescent products involved in the proposed exemptions. Harmful amounts of products such as turpentine which are in liquid form can be ingested before the child can react to the unpleasant taste. In addition, one of the major risks associated with products such as turpentine and insecticides that

contain petroleum distillates is that the unpleasant taste will cause gagging or coughing resulting in inhalation of the product into the lungs, which can cause chemical pneumonia. The risk is not present with the acetaminophen products covered by the proposed exemptions. Therefore, the fact that children have been known to ingest harmful amounts of turpentine or insect repellent is not deemed to lead to the conclusion that children would ingest harmful amounts of acetaminophen-containing powders or effervescent tablets or granules in view of the human experience data associated with acetaminophen and aspirin products.

This comment, as well as the second comment that was received, stated that acetaminophen is toxic in excessive dosage and that the form that the product takes is irrelevant. However, the act does not require special packaging merely because a product is toxic, but requires consideration of "the degree or nature of the hazard to children in the availability of such substance." As explained above, the product forms involved in the proposed exemptions pose a much lower degree of risk to children than do other forms of acetaminophen products, and the Commission concludes that special packaging for these exempted products is not required to protect children from serious personal injury or serious illness.

The second comment also states that experience with effervescent and powder preparations made of aspirin should be ignored because "aspirin and acetaminophen are two different drugs that cause different side effects." However, the data concerning aspirin is not being used to show that aspirin and acetaminophen have similar toxic properties, but rather that the form in which the product is marketed poses a relatively low risk of ingestion of a harmful amount of the product. The fact that aspirin and acetaminophen "cause different side effects" is not relevant to that determination.

This second comment also theorizes that a child could place the effervescent product in a liquid and drink it due to its similarity to the appearance of a soft drink. The commenter also suggests that children might use the powdered product as they would talc. The Commission cannot conclude that this latter possibility would result in the absorption of a harmful amount of acetaminophen. In any event, these possibilities are deemed to be unlikely in view of the rarity of reports of such types of incidents over the many years that such product forms of aspirin or

acetaminophen have been on the market.

The third comment appears to confuse the proposed exemptions with the issuance of the general requirement that acetaminophen products in packages containing more than one gram of acetaminophen must be in child-resistant packaging, and commends the Commission for the issuance of the requirement. However, to the extent that this comment may be interpreted as being in opposition to any exemption to the requirement, it does not address any specific issue associated with consideration of the merits of the exemption.

The fourth comment was from an interested individual and supported the exemptions because of the lack of a history of serious illness associated with acetaminophen and aspirin in these product forms.

The fifth comment received was from the Block Drug Company, Inc., who contended that issuance of the proposed exemptions would result in increased safety for young children. Block's reasoning was that the marketing history of present products shows that the rate of accidental ingestion of unflavored powder and effervescent analgesics is far lower than would be expected on the basis of the market share of these products compared to the non-effervescent tablet form of these analgesics. Block concludes that providing the product in unflavored powder or effervescent form is a more effective way of protecting children than is a child-resistant package for other forms of the product. Block therefore argues that, to the extent the proposed exemptions would encourage the marketing of unflavored powder and effervescent forms of acetaminophen products, children would be safer if the exemptions were issued than if they were not. Although the substantial reduction of accidental ingestions associated with products subject to special packaging requirements indicates that special packaging is clearly effective in reducing childhood poisonings, the Commission does not know enough about the degree of effectiveness of currently marketed special packaging or about the relative market shares of products falling within the proposed exemption to warrant reaching the conclusion advanced by Block Drug. Therefore, the Commission's conclusion to issue the proposed exemptions is based solely on the demonstrated low risk associated with these product forms and not on a comparison of this risk with that of

child-resistant packaging for other forms of the product.

Block also argues that the requirement of the proposal that the unflavored powder form be packaged in unit doses in order to be exempt will provide protection against accidental ingestion even though the unit dose packaging does not meet child-resistant packaging standards. Block contends that this is due to the time required to unwrap each dose, which increases the likelihood that the child's attention will be distracted or parental supervision will intervene before a harmful amount can be ingested. Although it is likely that the unit packaging will provide some deterrent, the Commission does not have sufficient data to compare this deterrent to child-resistant packaging. Therefore, the Commission's decision to issue the exemptions is not based on any potential deterrent effectiveness of unit dose packaging.

The last comment was from the American Society of Hospital Pharmacists, who supported the proposed exemptions on the basis that "there is minimal danger of toxicity from ingestion of [the proposed exempted acetaminophen products] by children."

E. Comments by the Technical Advisory Committee

Members of the Technical Advisory Committee (the "TAC") established by section 6 of the PPA were asked to comment on the merits of the proposed exemptions for these preparations. Twelve members of the committee responded.

Powdered preparations. With regard to powdered preparations, of the 12 members responding, 10 recommended granting the exemption and 2 recommended denial. The reasons given for recommending the exemption included:

1. The unpalatability of the product.
2. The young child's lack of coordination, which makes it difficult to transport the product to the mouth without spilling, thereby preventing the ingestion of toxic amounts.
3. The small amounts likely to be ingested are not sufficient to cause serious toxicity.
4. The lack of reports of toxic ingestions of similar powdered preparations.

The reasons given by the committee members for denial of an exemption for powders included:

1. The possible interaction between acetaminophen and other toxic household substances.
2. The Block Drug Child Taste Study does not substantiate granting the exemption.

With regard to the argument of possible interaction with other substances, this concern is theoretical and remote and could be made for all known substances. The Poison Prevention Packaging Act was designed to address unreasonable risks of injury for cases with a substantial likelihood of occurring and the Commission is not aware of an instance in which there is a substantial likelihood of injury due to an interaction between acetaminophen and another substance.

The second comment refers to the Taste Study submitted by Block Drug in support of the exemption. The member contends that the data do not indicate that 82% of the children tested found the product unpleasant tasting. The data submitted by Block Drug actually indicated that only 53% of children expressly indicated they found the product unpleasant. However, the recording and analysis of facial expression indicated that 82% of the children tested did not find the product pleasant. Although the recording of facial expressions is definitely subjective and not in itself conclusive, the amounts ingested by the children strongly support the contention that the product is not pleasant tasting to them. Of the 200 children tested, 95% ingested less than 150 mg of acetaminophen, an amount well below the estimated toxic dose of more than 1 gram (1000 mg). Of the remaining 5%, none ingested more than 750 mg. These results are similar to those previously reported for aspirin powder preparations, which also indicated the lack of ingestion of significant amounts. Similarly, human experience data for aspirin powders do not indicate toxic ingestions. Therefore, the Commission concludes that unflavored acetaminophen powders have a taste that is unpleasant to children and that, in any event, it is unlikely that a child would ingest a harmful amount of these powders.

Effervescent preparations. As to effervescent preparations, 9 members recommended granting the exemption and 3 recommended denial.

The reasons given for recommending the exemption were:

1. The unpalatability of the preparation.
2. The small amounts of these preparations usually eaten by children.
3. Lack of reports of toxic ingestions involving effervescent preparations.

The reasons given for denial were:

1. The possible interaction between acetaminophen and other toxic household substances.
2. The toxicity of acetaminophen.
3. The possibility that children might dissolve tablets or granules in water and

consequently ingest a toxic amount of acetaminophen.

The first reason for denial was addressed above in the discussion of the comments on powder preparations.

A consumer representative of the TAC did not agree with the petitioner's statement that acetaminophen is safer than aspirin, but contends that data submitted by the McNeil Consumer Product Company show that acetaminophen has twice the death rate per overdose compared with aspirin (page 11 of McNeil comment on the proposed special packaging requirement for acetaminophen).

The toxicity of acetaminophen has been documented, and for this reason the Commission established a regulation for this substance requiring safety packaging for preparations containing more than 1 gram. However, toxic symptoms are more frequently associated with slight deviations from the recommended therapeutic dosage regimen for aspirin as compared with acetaminophen. This occurs because acetaminophen is metabolized more rapidly and excreted faster. Therefore, accumulation, or a build-up of acetaminophen, is less likely to occur even though the dosage regimen is not strictly adhered to. This is not the case for aspirin.

The data submitted by McNeil indicated the frequency of overdoses and fatalities involving these two analgesics in Great Britain. Acetaminophen preparations were introduced in the over-the-counter market in Great Britain earlier than in the United States, and acetaminophen has attained a larger percentage of the market in Great Britain than in the United States. It is important to note that acetaminophen overdose has become one of the preferred methods of committing suicide in Great Britain. Indeed, much of the human toxicity and injury data available on acetaminophen is based on suicide and attempted suicide cases in Great Britain. Therefore, it is improper to compare the rates of fatality for a product which is being used specifically to commit suicide with a product for which fatalities occur as a result of accidental overdose.

Two members on the Committee suggest the possibility that children might dissolve these preparations in water and thereby ingest a toxic amount of acetaminophen.

Although this possibility does exist, the human experience data do not indicate that this is occurring. This may be due to the fact that the age group most frequently involved in cases of accidental ingestions is between the age of 1 and 3. The lack of physical

coordination and the short attention span of this age group make the task of insuring sufficient dissolution a difficult and unlikely occurrence. It should be emphasized that there is physical limitation of the amount of this substance which can be dissolved in a given quantity of water. Amounts in large excess of the normal dosage simply won't dissolve. NCPCC data regarding the product Bromo-Seltzer (acetaminophen effervescent granules) for the years 1969 through 1977 indicate 12 ingestions, with only one hospitalization for observation. The human experience data for both powder and effervescent acetaminophen preparations indicate that they have not been involved in serious illness in children, since it appears that these preparations are not appealing to young children by virtue of their bitter taste and physical qualities.

F. Conclusion

After considering the requested exemptions, the available injury information, the opinions of the Commission's staff, the comments on the proposal, and the opinions of the members of the Technical Advisory Committee established by section 6 of the PPPA, the Commission finds that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the unflavored powder or effervescent acetaminophen products described in amended §§ 1700.14(a)(16)(i) and 1700.14(a)(16)(ii) below. Since these amendments grant exemptions, the delayed effective date provision of 5 U.S.C. 553(d) does not apply, and the exemptions are therefore effective immediately.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-1672; 15 U.S.C. 1471(4), 1472, 1474) and under the authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends section 1700.14(a)(16) of Subchapter E of Chapter II of Title 16 of the Code of Regulations as follows:

1. Replace the period (".") at the end of 16 CFR 1700.14(a)(16) with a comma and add:

§ 1700.14 [Amended]

- (a) * * *
- (16) * * * except the following—
- (i) Effervescent tablets or granules containing acetaminophen, provided the dry tablet or granules contain less than 10 percent acetaminophen, the tablet or

granules have an oral LD-50 of greater than 5 grams per kilogram of body weight, the measured dosage of the product, when placed in water, releases at least 85 milliliters of carbon dioxide per grain of acetaminophen in the dry form when measured stoichiometrically at standard conditions (0°C, 760 mm mercury) and the tablets or granules contain no other substance subject to this § 1700.14(a).

(ii) Unflavored acetaminophen-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 13 grains of acetaminophen per unit dose and that contain no other substance subject to this § 1700.14(a)."

Effective date. This amendment becomes effective on February 23, 1981.

(Secs. 2, 3, 5, Pub. L. 91-601, 84 Stat. 1670-1672; 15 U.S.C. 1471, 1472, 1474)

Dated: February 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-6005 Filed 2-20-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 230

[Release No. 33-6289]

Unavailability of Exemption for Limited Offers and Sales of Securities of Certain Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments.

SUMMARY: The Commission announces the adoption of amendments to Rules 242 and 252 under Section 3(b) of the Securities Act of 1933. Rule 252 provides that a Regulation A exemption from registration for small public offerings of an issuer's securities shall not be available if the issuer or any person in a specified relationship with the issuer is subject to one of the disqualifications described in this rule. The amendments make certain changes in the list of disqualifications and provide that disqualifications which now last indefinitely terminate automatically after five years. The amendments to Rule 242, another small issuer exemptive rule, conform the disqualifying provisions of that rule to amended Rule 252. In addition, the Commission is amending its rules relating to general organization to delegate to the Director

of the Division of Corporation Finance the authority to grant relief in connection with applications filed pursuant to Rule 252(g) and Rule 242(a)(5)(v) of the Securities Act of 1933.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Eizelman, (202) 272-2644, Office of Small Business, Division of Corporation Finance, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Rule 252 [17 CFR 230.252] of Regulation A [17 CFR 230.251 et seq.] under the Securities Act of 1933 ("the Securities Act") [15 U.S.C. 77a et seq., as amended] and conforming amendments to Rule 242 [17 CFR 230.242] under the Securities Act.

Regulation A provides a limited offering exemption under Section 3(b) of the Securities Act.¹ It permits primary or secondary public offerings of as much as \$1,500,000 of an issuer's securities to be made every twelve months without registration under Section 5 of the Securities Act. Rule 252 raises certain bars to the availability of a Regulation A exemption. The Regulation A exemption is unavailable for the securities of an issuer while a disqualification described in paragraphs (c), (d), (e) or (f) of Rule 252 exists.² The existence of a disqualification under Rule 252 does not preclude an issuer or its affiliates from registering the issuer's securities on Form S-1 [17 CFR 239.11] or any other appropriate registration statement.

A disqualification may attach upon the initiation or disposition of certain disciplinary, administrative, civil, or criminal proceedings involving the issuer or persons in a specified relationship with the issuer. The amendments adopted today provide that most other disqualifications, certain of which attached for an indefinite period of time, shall last for a fixed period of five or ten years after the entry of a final order, judgment or decree concludes the proceedings. In addition, Rule 252 now disqualifies an issuer which is subject to the reporting requirements of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.,

¹Section 3(b) of the Securities Act authorizes the Commission to adopt rules and regulations to exempt up to \$5,000,000 of securities per issue from registration, subject to appropriate conditions, if it finds that registration is not necessary in the public interest or for the protection of investors by reason of the small amount involved or the limited character of the offering.

²The complete text of Rule 252 (c), (d), (e) and (f) as amended, appears at the conclusion of this release.

as amended] if that issuer has not filed all required reports during the last year.

The person subject to a disqualification, or the issuer for whose securities an exemption is sought, may petition the Commission for relief under Rule 252(g). To grant a Rule 252(g) application, the Commission must determine "upon a showing of good cause, that it is not necessary under the circumstances that the [Regulation A] exemption be denied."³ The amendments adopted today are intended primarily to reduce the necessity for applications under Rule 252(g) by reducing the time periods over which a disqualification will last. The reduced time periods represent those generally considered appropriate for the granting of relief under the rule. Additionally, the Commission anticipates that the number of applications granted pursuant to Rule 252(g) or Rule 242(a)(5)(v) would be minimal, since the duration fixed for each disqualification represents the minimum period the Commission had determined to be consistent with the protection of investors.

In conjunction with the publication of its Rule 252 amendments, the Commission is adopting conforming amendments to Rule 242. Rule 242 provides a limited offering exemption under Section 3(b) of the Securities Act. It permits a qualified issuer to sell without registration as much as \$2,000,000 of its securities in any six-month period to an unlimited number of accredited persons, as defined in the rule, and thirty-five other persons. Rule 242(a)(5) defines "qualified issuer" to include certain domestic and Canadian corporations. Rule 242(a)(5)(v) incorporates by reference the provisions of paragraphs (c), (d), (e) and (f) of Rule 252. Accordingly, if a disqualification described in Rule 252 is applicable, an issuer cannot be a qualified issuer for purposes of Rule 242 and may not claim a Rule 242 exemption for an unregistered offering of its securities.⁴

A discussion of the amendments adopted, including changes from the original proposals and the significant public comment received is set forth below. The three comment letters received generally supported the amendments as proposed.⁵ Based upon these comments and upon its own experience, the Commission has determined to adopt the amendments to

³Rule 252(g), 17 CFR 230.252(g).

⁴The existence of a disqualification under Rule 242(a)(5)(v) does not affect the availability of the registration process for public offerings of an issuer's securities.

⁵Securities Act Release No. 6214 (June 19, 1980) [45 FR 42742].

Rule 252 and Rule 242 substantially as proposed.

Synopsis

The first part of the synopsis describes the general nature of the amendments to Rule 252 and Rule 242 and the reasons therefor in order to provide a framework for understanding the text of the amendment set forth below. The second part of the synopsis summarizes the amendments to the Commission's rules relating to general organization which delegates authority to the Director of Corporation Finance and explains the reasons for such amendments.

Rule 252 and Rule 242

Persons Covered. Paragraph (c) of Rule 252 applies to the issuer, any of its predecessors, and any affiliated issuer. As adopted today, the rule provides that, where the affiliation arises after the entry of the order, judgment, or decree on which the affiliated issuer's disqualification is based, a Regulation A exemption for the issuer's securities will be available under the amended rule if both of two conditions are met. First, the affiliated issuer must not be in control of the issuer. Second, if the affiliation is based upon common control of the affiliated issuer and the issuer by a third party, that third party must not be a person who controlled the affiliated issuer when the order, judgment, or decree which triggered the disqualification was entered. The Commission believes this relaxation in Rule 252(c) will result in more equitable treatment of issuers without any offsetting loss of investor protection.

Today's amendments also add general partners of the issuer to the list of persons to whom paragraph (d) applies, since they perform policy and decision-making functions similar to those of directors or officers of a corporate issuer.

Paragraph (d) previously applied to, among others, the issuer's principal security holders. For clarity, the Commission proposed to replace this term with "beneficial owners of more than ten percent of any class of the issuer's equity securities." One commentator stated that the phrase "beneficial owner" was in and of itself vague and subject to multiple interpretations. Therefore, a parenthetical statement has been added which defines beneficial ownership for purposes of Rule 252 as the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities.

Finally, the Commission has deleted the reference in paragraph (e) to

directors, officers, and partners of an underwriter since such persons ordinarily would not be, or be named as, an underwriter as contemplated by Rule 252(e).

Convictions. Previously, a conviction for making a false filing with the Commission did not raise a disqualification if it did not involve the purchase or sale of a security. The Commission believes that a disqualification resulting from a conviction for making false Commission filings is consistent with the purposes of Rule 252. Therefore, such a conviction has been added to the list of convictions which will disqualify a person under paragraphs (c)(3) and (d)(1).

In order to make the language of paragraphs (c)(3) and (d)(1) consistent with the language of paragraphs (c)(4) and (d)(2), the Commission has made conviction of a felony or misdemeanor "in connection with" as opposed to "involving" the purchase or sale of any security a disqualifying event.

In addition to minor technical amendments, the Commission, in light of the Securities Acts Amendments of 1975 [Pub. L. 94-29, 89 Stat. 97] which provide for the registration and disciplining of municipal securities dealers by the Commission,⁶ has created a disqualification under Rule 252(d)(1) for a criminal conviction arising out of the conduct of the business of a municipal securities dealer.

Injunctions. The Commission has augmented the list of injunctions which raise a disqualification under paragraphs (c)(4) and (d)(2) of Rule 252. The amendments to those paragraphs parallel the amendments discussed above regarding convictions.

The Commission has included a five-year time limit on any disqualification based on the results of a non-criminal proceeding. This type of disqualification previously represented a permanent bar to the use of Regulation A. Paragraph (c)(4) already fixes a maximum of five years as the duration of any disqualification which attaches under that paragraph. As adopted, the amendments to paragraph (d)(2) fix five years from the entry of a permanent injunction as the time during which the injunction would disqualify persons subject thereto. A five-year duration is consistent with past Commission practice concerning Rule 252(f) applications.⁷

Commission Administrative Proceedings. Rule 252(d)(3) previously disqualified any enumerated person

who is subject to a disciplinary order entered by the Commission under Section 15(b) of the Exchange Act or Section 203 (d) or (e) of the Investment Advisers Act of 1940 (the "Advisers Act") [17 U.S.C. 80-81 et seq., as amended]. Orders entered pursuant to Section 15B(a) or 15B(c) of the Exchange Act which are in effect have been added to those which will raise a disqualification under Rule 252(d)(3). These additions reflect the addition of Section 15B to the Exchange Act by the Securities Acts Amendments of 1975.⁸ In addition, technical changes were made which are designed to update 252(d)(3) in light of statutory amendments to the Exchange and Advisers Act.

Two commentators suggested that paragraph (d)(3) be amended to include a five year limitation period to conform with the time period set forth in paragraphs (c)(4) and (d)(2). However, in a majority of cases, this paragraph will be self-operating since many orders specify the period of time to which a person would be subject to such orders. In addition, these time periods are generally less than five years. In those instances where persons are subject to orders containing no definite time limitations, the Commission has consistently taken the position that a person is subject to the order only so long as some act is being performed pursuant to such order; i.e. establishing procedures to assure appropriate supervision of salesmen and reporting on such procedures. Generally, the act required to be performed can be completed in less than a year, although occasionally reports may be required for as long as five years. Therefore, the Commission believes that including a five year period in the rule would be imposing greater restrictions on the use of the exemption than have been imposed in the past.

Proceedings by a Securities Exchange or Association. The amendments to Rule 252(d)(4) are designed to eliminate any ambiguity in the meaning of "[h]as been and is suspended or expelled" from membership in a securities exchange or association since the relevant inquiry regards a person's current membership status. Other changes in paragraph (d)(4) are designed simply to conform its language to Exchange Act terminology added to that Act by the Securities Act Amendments of 1975.

⁶ Paragraphs (a) and (c) of Section 15B direct the Commission respectively to deny registration as, and to take disciplinary action against, a municipal securities dealer under specified circumstances. The provisions of those paragraphs are similar both procedurally and substantively to Section 15(b) of the Exchange Act.

⁷ See Pub. L. 94-29, § 13, 89 Stat. 131-137.

⁸ See, e.g., Application of Joseph Kipness, File No. 96-318 (filed August 28, 1976).

Postal Service False Representation Orders. Amendments to paragraphs (c)(5) and (d)(5) of Rule 252 change the reference to "Post Office fraud orders" in those paragraphs to "Postal Service false representation orders," consistent with new terminology in statutes which provide for the entry of such orders. Under the amendments, a civil injunctive action under 39 U.S.C. 3007 raises a disqualification only as long as a party was subject to it. An administrative proceeding under 39 U.S.C. 3005, on the other hand, may last indefinitely. Since the Postal Service order is entered in the context of an administrative, as opposed to a criminal, proceeding, the Commission believes that a person subject to such an order should be disqualified for only five years.

Underwriters. As previously mentioned, the amendments to Rule 252(e) would eliminate directors, officers, and partners of an underwriter from its coverage. Other amendments to Rule 252(e) which are technical in nature also have been made.

Reporting Companies. The Commission has redesignated paragraph (f) as paragraph (g) and added new paragraph (f) to Rule 252. New paragraph (f) disqualifies an issuer which is subject to the periodic reporting requirements of the Exchange Act if that issuer had not filed all reports required to be filed with the Commission during the year preceding the date on which it files its notification on Form 1-A.

Amendments to Rule 242. The amendments to Rule 242 reflect the redesignation of paragraph (f) of Rule 252 as paragraph (g) and the addition of a new paragraph (f). Also, the reference in Rule 242(a)(5)(v)(B) to Rule 252(c) has been stricken, since the term "underwriter" is not used in Rule 252(c).

Delegation of Authority

The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Corporation Finance ("Director") the authority to grant applications for relief filed pursuant to Rule 252(g) and Rule 242(a)(5)(v). In those instances where a meritorious application is submitted, the delegated authority should result in a more expeditious processing of applications by eliminating the delay involved in obtaining formal Commission approval. In those instances where the Division is not prepared to grant an application for relief, the previous procedure of submitting the application for Commission consideration will continue.

Text of Amendments

17 CFR Chapter II is amended as follows:

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

1. By redesignating paragraphs (c), (d), (e), (f) and (g) of § 200.30-1 as paragraphs (e), (f), (g), (h) and (i) respectively and by adding new paragraphs (c) and (d) thereto as follows:

§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.

(c) With respect to the Securities Act of 1933 (15 U.S.C. 77a, et seq.) and Regulation A thereunder (§ 230.251, et seq. of this chapter), to authorize the granting of applications under Rule 252(g) (§ 230.252(g) of this chapter) upon a showing of good cause that it is not necessary under the circumstances that an exemption under Regulation A be denied.

(d) With respect to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and Rule 242 thereunder (§ 230.242 of this chapter), to authorize the granting of applications under Rule 242(a)(5)(v) (§ 230.242(a)(5)(v) of this chapter) upon a showing of good cause that it is not necessary under the circumstances that an exemption under Rule 242 be denied.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising paragraphs (c), (d), and (e) of § 230.252; adding a new paragraph (f) thereto; redesignating present paragraph (f) as paragraph (g) and revising it as follows:

§ 230.252 Securities exempted.

(c) No exemption under §§ 230.251 to 230.264 shall be available for the securities of any issuer if such issuer, any of its predecessors, or any affiliated issuer—

(1) Has filed a registration statement which is the subject of any pending proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order thereunder within five years prior to the filing of the notification required by § 230.255;

(2) Is subject to any pending proceeding under § 230.261 or any similar rule adopted under section 3(b) of the act, or to an order entered thereunder within five years prior to the filing of such notification;

(3) Has been convicted within five years prior to the filing of such notification of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission;

(4) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within five years prior to the filing of such notification, permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the Commission; or

(5) Is subject to a United States Postal Service false representation order entered under section 3005 of title 39, United States Code, within five years prior to the filing of the notification required by § 230.255; or is subject to a temporary restraining order or preliminary injunction entered under section 3007 of title 39, United States Code, with respect to conduct alleged to have violated section 3005 of title 39, United States Code.

This paragraph (c) of § 230.252 shall not apply to any order, judgment, or decree contemplated by paragraphs (1) through (5) hereunder because of its entry against any affiliated entity before the affiliation with the issuer arose, if the affiliated entity is not in control of the issuer and if the affiliated entity and the issuer are not under the common control of a third party who was in control of the affiliated entity at the time the order, judgment, or decree was entered against it.

(d) No exemption under §§ 230.251 to 230.264 shall be available for the securities of any issuer, if any of its directors, officers, general partners, or beneficial owners of ten percent or more of any class of its equity securities (beneficial ownership meaning the power to vote or direct the vote and/or the power to dispose or direct the disposition of such securities), any of its promoters presently connected with it in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of any such underwriter—

(1) Has been convicted within ten years prior to the filing of the notification required by § 230.255 of any felony or misdemeanor in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising

out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(2) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily enjoining or restraining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within five years prior to the filing of such notification, permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of a false filing with the Commission, or arising out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(3) Is subject to an order of the Commission entered pursuant to section 15(b), 15B(a) or 15B(c) of the Securities Exchange Act of 1934; or is subject to an order of the Commission entered pursuant to section 203 (e) or (f) of the Investment Advisers Act of 1940;

(4) Is suspended or expelled from membership in, or suspended or barred from association with a member of, an exchange registered as a national securities exchange pursuant to section 6 of the Securities Exchange Act of 1934, an association registered as a national securities association under section 15A of the Securities Exchange Act of 1934, or a Canadian securities exchange or association for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade; or

(5) Is subject to a United States Postal Service false representation order entered under section 3005 of title 39, United States Code, within five years prior to the filing of the notification required by § 230.255; or is subject to a restraining order or preliminary injunction entered under section 3007 of title 39, United States Code, with respect to conduct alleged to have violated section 3005 of title 39, United States Code.

(e) No exemption under §§ 250.251 to 230.264 shall be available for the securities of any issuer if any underwriter of such securities was, or was named as, an underwriter of any securities:

(1) Covered by a registration statement which is the subject of any pending proceeding or examination under section 8 of the act, or is the subject of any refusal order or stop order entered thereunder within five years prior to the filing of the notification required by § 230.255; or

(2) Covered by any filing which is subject to any pending proceeding under

§ 230.261 of any similar rule adopted under section 3(b) of the act, or to an order entered thereunder within five years prior to the filing of such notification.

(f) No exemption under §§ 230.251 to 230.264 shall be available for the securities of an issuer which is subject to the requirements of sections 13, 14, 15(d) of the Securities Exchange Act of 1934, unless such issuer has filed all reports required by those sections to be filed during the 12 calendar months preceding the filing of the notification required by § 230.255 (or for such shorter period that the issuer was required to file such reports).

(g) Paragraph (c), (d), (e), or (f) of this section shall not apply to the securities of any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

2. By revising paragraph (a)(5)(v) of § 230.242 as follows:

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(a) * * *

(5) * * *

(v) Is not an issuer described in § 230.252 (c), (d), (e), or (f) under the act; *Provided, however*, That for purposes of this section only:

(A) The term "filing of the notification required by § 230.255" as used in § 230.252 (c), (d), (e) or (f) under the act shall mean the first sale of securities in any issue in reliance on this section; and

(B) The term "underwriter" as used in § 230.252 (d) or (e) under the act shall mean a person which has been or will be paid or given directly or indirectly any commission or similar remuneration for solicitation of purchasers in connection with sales of securities in any issue offered in reliance on this section;

Provided, further, That paragraph (a)(5)(v) of this section shall not apply to any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption under this section be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

Statutory Authority

The amendments to Rule 242 and Rule 252 are adopted pursuant to Sections 3(b), 4(1) and 19(a) of the Securities Act [15 U.S.C. 77c(b), 77d(1), 77s(a)]. The amendments to the Commission's rules relating to general organization delegating authority to the Director of the Division of Corporation Finance are adopted pursuant to Section 1(a) of the Delegation of Functions Act [15 U.S.C. 78d-1(a)].

(Secs. 3(b), 4(1), 19(a), Pub. L. 73-22, sec. 3(b), 4(1), 19(a), 48 Stat. 76, 77, 85; Pub. L. 73-291, sec. 209, 48 Stat. 908; Pub. L. 79-55, 59 Stat. 167; Pub. L. 83-577, sec. 6, 68 Stat. 684; Pub. L. 88-467, sec. 12, 78 Stat. 580; Pub. L. 91-565, 84 Stat. 1480; Pub. L. 94-210, sec. 306(a)(2), 90 Stat. 57; Pub. L. 95-283, sec. 18, 92 Stat. 275; Pub. L. 94-425, sec. 2, 92 Stat. 962; sec. 1(a), 78 Stat. 394; 89 Stat. 163; [15 U.S.C. 77c(b), 77d(1), 77s(a), 78d-1(a)]

Procedural Matters

With respect to the amendment to the Commission's rules relating to general organization delegating authority to the Director of the Division of Corporation Finance, the Commission finds that such amendments relate solely to agency management and personnel and accordingly, are excepted pursuant to Section 553(a)(2) of the Administrative Procedure Act (5 U.S.C. 553(a)(2)) from the provisions of such Act which require prior notice and comment (5 U.S.C. 553(b)).

By the Commission,
George A Fitzsimmons,
Secretary.

February 13, 1981.

[FR Doc. 81-5967 Filed 2-20-81; 8:45 am]

BILLING CODE 8010-01-M

BOARD FOR INTERNATIONAL BROADCASTING

22 CFR Part 1300

Rules of Procedure; Radio Free Europe and Radio Liberty; Correction

AGENCY: Board for International Broadcasting.

ACTION: Correction of summary statement.

SUMMARY: This document corrects the Summary which accompanied the Final Rule amending 22 CFR 1300.9(d) published in the Federal Register on January 26, 1981 (46 FR 7952). The Summary incorrectly stated that the Chairman of the Board for International Broadcasting was an *ex officio* member of the Nominating Committee of Radio Free Europe/Radio Liberty, Inc. The

Chairman is a voting member of that committee.

EFFECTIVE DATE: January 28, 1981.

FOR FURTHER INFORMATION CONTACT: Arther D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, telephone 202-254-8040.

SUPPLEMENTARY INFORMATION: The Summary statement which accompanied the Final Rule amending 22 CFR 1300.9(d) published in the Federal Register on January 26, 1981 is corrected by deleting the words "shall be an *ex officio* member" from lines 14 and 15 of the Summary and inserting in lieu thereof the words "is a voting member". This correction does not affect the substance of the rule and is being made for clarification purposes only.

Charles D. Ablard,
Acting Chairman.

[FR Doc. 81-6008 Filed 2-20-81; 8:45 am]
BILLING CODE 6155-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 150

[T.D. 7770]

Windfall Profit Tax; Qualified Disburser Election

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of temporary regulations.

SUMMARY: This document amends temporary excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The new temporary regulations relax the requirements that must be met for disburser to undertake the responsibilities of the purchaser. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the Federal Register.

DATES: These temporary regulations are effective as specifically provided in § 150.4995-5(c) of the regulations.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1981 the Federal Register published amended temporary regulations (46 FR 4873) under the Crude Oil Windfall Profit Tax Act of 1980 (relating primarily to various administrative provisions). This document contains further amendments to the temporary regulations.

Explanation of Provisions

The temporary regulations published on January 19, 1981 provided an election whereby a "qualified disburser" could elect to undertake the windfall profit tax administrative responsibilities otherwise imposed upon the purchaser. The election was made available to any person making disbursements of 20 percent or more of the entire proceeds from the sale of oil from a property (excluding that person's own share of production, if any) or any federally registered partnership. This election was intended to provide a method to relieve certain administrative difficulties encountered when the purchaser makes payment for the oil to an intermediate disburser rather than to each producer directly.

Commentators on the new rules have suggested that the 20 percent distribution requirement may preclude a disburser from making the election under circumstances in which the election would be administratively desirable. These amendments to the regulations relax the requirements for "qualified disburser" status in order to make the election more widely available. First, the 20 percent requirement is reduced to 10 percent. Second, the election is made available to any integrated oil company required to make semimonthly deposits acting as a disburser regardless of the size of the disbursements. Generally, these companies are currently required to compute and deposit windfall profit tax on their own production and, under the new rules, are permitted to do so for the producers to whom they make payment.

These amendments to the regulations also extend the date by which the election must be made in order to make the election retroactive and reduce the number of election documents required when the election is made with respect to more than one property.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal

Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, part 150 Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980, is amended as follows:

§ 150.4995-1 [Amended]

Paragraph 1. Paragraph (a)(1)(iii) of § 150.4995-1 is amended by removing "February 18, 1981" and inserting in lieu thereof "May 31, 1981".

Par. 2. Section 150.4995-5 is revised to read as follows:

§ 150.4995-5 Election of qualified disburser to withhold, deposit tax, etc.

(a) *In general.* Any "qualified disburser", as defined in paragraph (b) of this section, may make an election under this section to act as the withholding agent with respect to the oil the sales proceeds of which are distributed by that qualified disburser and to treat as not subject to withholding amounts received for its own production. While the election is in effect, and to the extent of the oil subject to the election, the qualified disburser shall be treated as the purchaser for purposes of chapter 45 (and related provisions of subtitle F of the Code) and this part (other than this section), and accordingly, is subject to all of the requirements imposed thereby upon the purchaser. The qualified disburser shall promptly notify the operator of the property and every payee of any portion of its disbursements that the election has been made and that all information otherwise required to be sent to the purchaser should be sent to the qualified disburser.

(b) *Qualified disburser defined.* The term "qualified disburser" means—

(1) A disburser (as defined in § 150.4996-1(j)) who distributes 10 percent or more of the entire proceeds from the sale of oil from a property (or a portion of a property if that portion constituted a separate property prior to a unitization or aggregation), exclusive of that person's own share of the proceeds (if any), or

(2) A disburser that is an integrated oil company required to make semimonthly deposits pursuant to § 150.4995-3 (a), or

(3) A federally registered partnership as defined in section 6501 (o)(4).

(c) *Method of making election; termination of election.* (1) The election shall be made by furnishing to the

purchaser a signed and dated document that states facts that would establish that the person making the election is a "qualified disburser" and makes clear that the person had assumed complete responsibility for meeting all the requirements otherwise imposed upon the purchaser by chapter 45 (or related provisions of subtitle F) of the Code or by this part (other than this section) with respect to the oil the sales proceeds of which are distributed by the qualified disburser and for treating as not subject to withholding amounts received for its own production. The election document shall set forth the elector's identifying number (employer identification number or, if none, social security account number), the property or properties subject to the election, including the lease name, location, and identifying number, if any, and such other information as may be required by Form 6458 (Certification and Election Form) or its instructions. If the election is made with respect to more than one property, the election document shall identify each property. Generally, the election shall become effective with respect to oil removed after the election document is received by the purchaser (or a later effective date specified in the election document). However, the election may be made retroactively effective with respect to all oil removed after December 31, 1980, if the purchaser and qualified disburser so agree in writing, and if the election is made no later than May 31, 1981. The election shall remain in effect until 60 days after the qualified disburser furnishes the purchaser a signed and dated document that contains all of the data required to be in the election document and that declares that the election is terminated (or a later date specified in the termination document), unless the purchaser agrees in writing to an earlier termination date. The qualified disburser shall promptly notify the operator and all affected producers of the termination and the resulting changes in responsibilities and shall, within 10 days of furnishing the termination document to the purchaser, forward a copy to the Internal Revenue Service Center, Austin, Texas. Both the purchaser and qualified disburser shall retain in their records, for so long as they may be material in the administration of any internal revenue law, a copy of the election document and any subsequent termination document. If a qualified disburser making the election provided by this section receives payment of the sales proceeds of the oil from an intermediate disburser rather than directly from the purchaser, any document required by this

section to be furnished to the purchaser shall be furnished to such other disburser. Any person receiving such a document shall furnish a copy to the person from whom that person receives payment and, if any portion of the payments received by that person remains subject to withholding, shall specify the share of production to which the document relates.

(2) Any qualified disburser who, acting in good faith, undertook the responsibilities of the purchaser with respect to disbursements made for oil removed from a property (or portion of a property) after February 29, 1980, and before February 23, 1981 and who, on or before May 31, 1981, makes the election provided by this section with respect to oil removed from that property (or portion) may treat the election as being retroactively effective by so stating in the election document. However, the preceding sentence shall not have the effect of retroactively relieving the actual purchaser of any liability for failure to meet the requirements imposed upon the purchaser by chapter 45 (or related provisions of subtitle F of the Code) or this part.

(d) *Obligation of purchaser to furnish copy of election document to the Internal Revenue Service.* Within 10 days of receipt of an election document under this section, the purchaser shall forward a copy to the Internal Revenue Service Center, Austin, Texas.

(e) *Status of electing qualified disburser who is also a producer.* An electing qualified disburser who is also a producer of oil from the property subject to the election shall comply with all the requirements of this part that are imposed upon a producer whose oil is not subject to withholding (see, e.g., § 150.4995-3 (a) and (f) relating to the deposit schedules for producers not subject to withholding; see also, § 150.4995-3(d) relating to special deposit rules for certain operators and electing qualified disbursers).

(f) *Authority of district director to revoke election, require bond, etc.* If the district director for the district in which the principal place of business of the qualified disburser is located determines that the election under this section of any qualified disburser is not in the best interest of the Government in the effective collection and administration of the windfall profit tax, the district director may revoke the election or may permit the election to continue upon compliance with reasonable conditions, such as the posting of a bond. In the case of a revocation, the district director shall promptly notify the purchaser or other affected disbursers of the change in responsibilities.

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). P purchases crude oil from a lease operated by O. P pays 100 percent of the sales proceeds to O who retains 50 percent (the amount attributable to O's share of production) and distributes the remaining 50 percent to all the other producers in accordance with their percentage share of production. Since O is a qualified disburser, O may elect under this section to undertake all the windfall profit tax responsibilities otherwise imposed upon P. If O does elect, O furnishes P the election document and P withholds no windfall profit tax from payments to O. P must submit a copy of the election document to the Internal Revenue Service.

Example (2). Assume the same facts as in example (1) except that one of the producers receiving payment from O is a federally registered partnership. The partnership and O are both qualified disbursers entitled to make the election provided by this section. If the partnership and O both make the election, O must not withhold tax from payments to the partnership and must furnish a copy of the partnership's election document to P together with O's election document. If the partnership makes the election but O does not, O must furnish a copy of the partnership's election document to P and must specify the share of production held by the partnership. P should withhold tax from payments made to O except for the portion of the payment that is attributable to the partnership's share of production. P must submit to the Internal Revenue Service a copy of any election document received by P.

Example (3). Assume the same facts as in example (1). Assume further that O pays A, a producer that is not an integrated oil company, 20 percent of the entire sales proceeds, and that A retains 75 percent of the 20 percent payment from O and distributes the remaining 25 percent to producer B. A is not a qualified disburser because A distributes only 5 percent of the entire proceeds of sale and is neither an integrated oil company required to make semimonthly deposits pursuant to § 150.4995-3 (a) nor a federally registered partnership.

Example (4). Assume the same facts as in example (1) except that P directly pays producer C, who has a 20 percent share of production and that the remaining 80 percent is paid to O who retains the 50 percent share attributable to O's share of production and distributes the remaining 30 percent to the other producers. O is a qualified disburser who may make the election provided by this section with respect to the sales proceeds received by O. C, who retains the entire proceeds received from P, is not a qualified disburser. P must not withhold upon the payment to O but must withhold upon the payment to C in accordance with the rules of § 150.4995-1.

Example (5). Assume the same facts as in example (1) except that O, after retaining the 50 percent share of the sales proceeds attributable to O's production, distributes the remaining proceeds to producer A. Assume further that A retains 20 percent of the 50

percent payment from O and distributes the remaining 80 percent to other producers. O and A are both qualified disbursements because O distributes 50 percent of the entire sales proceeds and A distributes 40 percent. If both O and A make the election provided by this section, O does not withhold tax from the payments to A and deposits tax with respect to O's own production as a producer whose oil is not subject to withholding.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4997 and 7805 of title 26 of the United States Code (94 Stat. 249 and 68A Stat. 917; 26 U.S.C. 4997 and 7805).

William E. Williams,
Acting Commissioner of Internal Revenue.

Approved: February 17, 1981.

Emil M. Sunley,
Acting Assistant Secretary of the Treasury.
[FR Doc. 81-3061 Filed 2-18-81; 3:30 pm]
BILLING CODE 4830-01-M

DEPARTMENT OF EDUCATION

Office of Special Education

34 CFR Parts 104 and 300

Assistance to States for Education of Handicapped Children, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Notice of Interpretations

Correction

In FR Doc. 81-1683 appearing on page 4912 in the issue of Monday, January 19, 1981, on page 4913, make the following changes:

(1) First column, first paragraph under "Background", fourteenth line, "interpreting" should read "interpreting", and in the seventeenth line, "not" should read "now".

(2) Third column, tenth line of the paragraph under "Judicial Precedent", "publication" should read "publication".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Information Regarding Requirements for Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Interpretive rulings and other information.

SUMMARY: This notice contains information relating to the requirements for federally qualified health maintenance organizations (HMOs) as set out in Title XIII of the Public Health Service Act (the Act), as amended, and its implementing regulations at 42 CFR Part 110. This information, which includes a number of interpretive rulings, is being published in response to significant questions that have been raised regarding those requirements and supplements previously published information.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Title XIII of the Act, "Health Maintenance Organizations," was enacted by the HMO Act of 1973 (Pub. L. 93-222) and was amended in 1976 by Pub. L. 94-460 and in 1978 by Pub. L. 94-559. During the course of the administration of Title XIII, HMOs and others have raised questions relating to the requirements for qualified HMOs as set out in the statute and in the regulations implementing Title XIII at 42 CFR Part 110, Subpart A. On April 29, 1980, OHMO published at 45 FR 28654-63 its first notice of this type. The material in this notice updates and supplements that information.

The information and interpretive rulings listed below are in the following format: The citation to the relevant section of the regulations; the general topic covered; the specific question that has been asked; and the response of OHMO.

The materials issued in this Notice are available in the form of supplementary pages to the HMO Policy Manual issued on May 1, 1980, by the Office of Health Maintenance Organizations. This manual and the supplementary pages are available to anyone who makes a request to the address listed above.

Dated: February 9, 1981.

Howard R. Veit,
Director, Office of Health Maintenance Organizations.

Health Benefits Plan: Basic Health Services

§ 110.102(a)(7)—Home health services

Q. What are some permissible ways for an HMO to provide home health services?

A. An HMO may provide home health services through health care personnel employed by the HMO or through a contract with a home health agency. For purposes of the certification requirement of § 110.108(k), the Department considers home health agencies to be "institutional providers." Therefore, if an HMO elects to contract with a home health agency, that agency must be certified as provided in § 110.108(k) (i.e., in accordance with the regulations governing participation of providers in the Medicare or Medicaid program; or where home health services are provided by a hospital, pursuant to the standards and procedures of the Joint Commission on Accreditation of Hospitals).

Providers of Basic and Supplemental Health Services

§ 110.104(a)(2)—Physician sharing

Q. What factors will the Department consider in deciding whether to approve physician sharing of 50 percent or more between an IPA model HMO and medical group or staff model HMO?

A. The Secretary will, on a case-by-case basis, review the characteristics of those HMOs or applicants for qualification which seek the approval of the Secretary to share physicians in excess of the 50 percent limitation, taking into account the following factors:

1. The total number of practicing physicians in the service area of each HMO which proposes to share physicians with another HMO;
2. The number of physicians to be shared as a percentage of the IPA's total pool;
3. The specialties of the shared physicians;
4. The overlap of the service areas of the HMOs which propose sharing;
5. The practice location of the shared physicians in relation to the location of the other HMO physician providers; and
6. Other factors which the Secretary considers necessary for determining whether the sharing of physicians enables the HMOs to meet the purpose of Section 1310(b).

Payment of Basic Health Services**§ 110.105(a)(4)(i)—Copayment requirements**

Q. Is an HMO required to notify all members and prospective members of copayment amounts for every type of service?

A. Yes. An HMO shall, in advance, advise members and prospective members of its copayment policy in all cases, consistent with the requirements under § 110.108(c) for full and fair disclosure. Specifically, the HMO must identify clearly which services are subject to copayment and the established copayment for those services.

§ 110.105(a)(4)(ii)—Copayments for basic health services

Q. Is the HMO responsible for disclosing to its members the copayment amount that the member must pay before the limit on copayments becomes effective?

A. Yes. The HMO is responsible under the requirements of § 110.108(c) for full and fair disclosure to provide specific information on the copayment dollar limitation.

§ 110.105(b)(1) and (2)—Community Rating System

Q. Are HMOs allowed to apply the different community rating methods, described in Part IV of the community rating paper, to different groups at the same time?

A. No. An HMO must select one of the methods and use that method consistently for all groups of enrollees for which the community rating requirement applies. The HMO may change methods, but it must apply the new method consistently.

§ 110.105(b)(3)(ii)(C)—Community rating: rate differentials

Q. Must the rates established for subscribers enrolled in an HMO under the health benefits program authorized by Chapter 89 ("Health Insurance") of Title 5 ("Government Organization and Employees"), United States Code, be based on a community rating system?

A. Yes. Under § 110.111, however, the HMO is required to provide to these members enrolled under Chapter 89 only those health services for which it will be reimbursed under its Chapter 89 contract.

Q. If a public entity were to establish an HMO for its employees, as well as other groups, would that HMO be exempt from applying the community rating standard to all its member groups?

A. No. A qualified HMO sponsored by a public entity is still required to use the community rating standard for those groups not exempted by § 110.105(b)(3)(ii). However, the HMO need not use the community rating standard for the employees of the public entity.

Organization and Operation**§ 110.108(a)(2)(i) and (ii)—administrative and managerial arrangements**

Q. May another party retain the right to approve an HMO's underwriting rules and changes to the subscriber contracts and premium rates?

A. No. The HMO is required to retain the final exclusive approval authority to determine underwriting rules, premium rates, and subscriber contract provisions. Of course, this does not limit State regulatory agencies from exercising any such approval authority they have under State law.

Q. May the Executive Director be subject to removal by any group or individual other than the HMO's policymaking body?

A. No.

§ 110.108(b)—Final risk

Q. Except as specifically authorized, is it allowable for an HMO to transfer its financial risk for the provision of health services to non-providers of health services?

A. No. An HMO is not authorized to transfer any or all of that required risk to non-providers.

Q. Is it allowable for an HMO to transfer its required risk to its providers of service?

A. Yes. The HMO entity may transfer all, or some, of the financial risk of providing health services for its members to its providers of service. However, under such arrangements, the HMO or the providers may not insure or make other arrangements, except in accordance with § 110.108(b)(1), (2), and (3). Further, the HMO entity must be able to maintain its fiscal soundness under any risk-sharing arrangement.

§ 110.108(g)—Conversion of membership

Q. Are HMO members entitled to conversion privileges when the subscriber member retires?

A. Yes. Subscribers and their enrolled dependents are eligible for non-group membership in the HMO when the subscriber employee retires.

Q. Must an HMO offer a Medicaid recipient enrolled in the HMO the option of converting to a non-group membership within the HMO if he leaves the Medicaid group?

A. Yes. A Medicaid recipient, like a member of any other group, must be offered the opportunity to convert to non-group membership if he or she leaves the group, provided that the group contract with the HMO is still in effect. Under the provisions for full and fair disclosure, the HMO must inform an enrollee of this opportunity. (See § 110.108(c)). If the former Medicaid recipient does elect to convert his (or her) membership to non-group membership, he (or she) must initiate his reenrollment and be responsible for the premium payments.

Q. Is it permissible for the HMO to require members who reach age 65 to convert from group to non-group status as a condition of continued membership?

A. No. There has been some confusion about the conversion of membership provision of § 110.108(g) due to a statement added to § 110.108(f) indicating that an HMO may require, as a condition of membership, that dependents of a subscriber, upon reaching a specified age, convert to non-group membership.

This reference to age applies to children or minors who cease to meet the HMO's requirement for eligibility as an employee's dependents. It does not apply to subscribers or their eligible dependents who reach age 65.

[FR Doc. 81-5648 Filed 2-20-81; 9:45 am]

BILLING CODE 4110-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Parts 61 and 62**

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program regulations dealing with minimum premiums, minimum commissions, and the effective date of flood insurance coverage. A few editorial revisions have also been included in this revision.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 451 7th Street SW., Room 5126, Washington,

D.C. 20472, Telephone Number (202) 755-6580.

SUPPLEMENTARY INFORMATION: On November 25, 1980, FEMA published for comment in the Federal Register (Vol. 45, Page 78181) a proposed rule containing revisions which are the result of over two years of operation of the National Flood Insurance Program as a Federal Program of direct insurance during which time it became apparent that a renewed emphasis was in order in terms of delivering enhancements in flood insurance coverage to the insurance consumer, at rates more reflective of the risk and with a reduction in risk through innovative insurance loss prevention measures. The proposed amendments were to elicit comment on a broadening of coverage under the Standard Flood Insurance Policy, an increase in the basic deductible provisions, an increase in the minimum acceptable premium from \$25.00 to \$50.00 and in the commissions payable to agents on premium amounts in excess of \$2,000 (to be reduced from 15% to 5% consistent with private sector practices of providing graduated commission arrangements as between insurers and producers). As an additional fiscal matter, the agent's flood insurance manual of rules and rates, which becomes effective simultaneously with these amendments, contains an overall rate increase of 32.5%. As another, loss prevention, initiative, the November 25, 1980, proposed rules provided for a new flood insurance rating system to implement Section 9.11(e) of 44 CFR Part 9, which required that after February 1, 1981, new and substantially improved structures in coastal high hazard areas be individually risk rated by the National Flood Insurance Program prior to the issuance of a flood insurance policy. Underlying the proposed rule is the thought that actuarial rating of structures on an individual risk basis serves to further the program goals of providing incentives for hazard mitigation while permitting adequate coverage under premium rates which assure that sizeable risks of loss from flooding incident to dangerous coastal areas are borne by the owners of properties at risk. Thus, those who prefer to remain in coastal high hazard areas would be encouraged to conform to certain minimum construction standards when obtaining a building permit for construction in a coastal high hazard area which will facilitate accurate actuarial rate determinations and assure meaningful hazard mitigation measures in these areas.

The proposed rule provided that under the individual risk rating system, only new buildings and substantial improvement to existing buildings with permits issued on or after February 1, 1981, would be individually rated. The agent's rate manual still contains rates for buildings already in existence on February 1, 1981. The proposed individual rating system would not apply to situations involving building permits issued on or before January 31, 1981, as long as the actual construction of the building was started within 180 days of the permit issue date. It is contemplated that the rating system will work as follows: as to new construction, the builder/owner will retain the services of a registered engineer or architect who will complete a V-Zone Risk Factor Rating Form prior to the submission of an application for flood insurance. This form employs a point system which will provide the basis for determining the Rating Factor for each property. The Rating Factors have been multiplied by the base rate to determine the appropriate V-Zone rate table for the property. The rating form will be submitted to the National Flood Insurance Program, V-Zone Risk Information, P.O. Box 34294, Bethesda, Maryland 20034, whereupon the NFIP will issue a Certification stating the approximate actuarial rate which will be charged in relation to the proposed construction and the estimated base flood level for the property, including wave height. The NFIP Certification will then be submitted to the building permit official, the permit will be issued and a record of the NFIP Certification will be maintained with the appropriate community official designated for the purpose. When the building is completed, a post-construction inspection must be performed by the engineer or architect and furnished to the National Flood Insurance Program.

A brief discussion of the FIA advisory wave height and V-Zone aspects of the individual risk rating system would be helpful at this point. Advisory wave height levels will be provided to communities by FIA on a gradual, "phase-in" schedule. Until these advisory wave heights are available, the calculations on the V-Zone Risk Rating Form can be used to convert stillwater base flood elevations to wave height information which will satisfy the requirements of Section 60.3(e)(2)(iii) of the proposed rule. At a later date, wave height levels for flood plain management purposes as well as rating purposes will be provided through the community consultation process, during which the community will have a 90-day appeal

period prior to the new elevations becoming finalized. After the new elevations are final, the community will have 6 additional months to adopt ordinances enforcing these new elevations for flood plain management purposes. Until then, the base flood elevations including advisory wave heights will be in force only for insurance rating purposes.

It is also important to note that, under the individual risk rating system, 44 CFR 9.11(e) provided that on and after February 1, 1981, no flood insurance could be issued for new construction in V-Zones unless the risk was individually rated, with premiums being commensurate with the risk, including the peril of wave height. FEMA has extended this date to May 1, 1981, and, therefore, is not publishing a final rule to implement the insurance program aspects of Section 9.11(e) at this time, as originally described in the November 25, 1980 proposed rulemaking. The background on this decision follows.

Detailed instructions and forms were made available during January 1981 to agents, lenders, engineers, architects, builders, and community officials within communities which have V-Zones. The FEMA Coastal Design and Construction Manual is also available and has been distributed to communities and other interested parties.

Regarding the Coastal Design and Construction Manual, the manual was developed by the Department of Housing and Urban Development and the Federal Emergency Management Agency. It is intended for use by designers, home builders, community leaders, local officials, and home owners who wish to build prudently in areas of high hazard due to coastal flooding and to meet the requirements of the National Flood Insurance Program. The manual focuses on unique factors and conditions found in coastal environments as the basis for design and construction recommendations. Among the subjects discussed are background information on the National Flood Insurance Program, the hazards associated with building in the coastal flood plain, a review of existing alternative approaches for housing built on raised foundations, recommended performance criteria for the construction of foundation systems in flood hazard areas, and some indications of design solutions.

A substantial number of comments were received during the comment period. Moreover, in recognition of the holiday season, which could have delayed the opportunity for some to make comments, the docket was kept open through the period in which this

final rule has been drafted so as to enable FIA to benefit from comments to the latest possible date. The Federal Insurance Administration also utilized this period of time to meet with representatives of various regulatory and private sector organizations interested in the proposed rulemaking. Thus, meetings and conferences were held with representatives of groups such as the American Consulting Engineers Council and American Institute of Architects (on V-Zone risk certification matters) and the Federal financial instrumentalities and agencies, including the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, Federal Reserve Board, Comptroller of the Currency, Veteran's Administration, Federal National Mortgage Association, Department of Housing and Urban Development, and the American Bankers Association. Staff of FIA benefitted considerably by these meetings in terms of positive, substantive input. While comments were still being accepted and reviewed and given due consideration as late as January 16, 1981, thus providing an additional three weeks for comment and review, the tenor of some of the comments received indicated that additional time for eliciting comments and conducting a policy review of many of the new initiatives proposed in the November 25, 1980, proposed rulemaking was in order.

Being anxious to benefit to the fullest extent possible by the comments of interested citizens and communities concerning the November 25, 1980, proposed rulemaking, FEMA has decided to publish as a final rulemaking, at this time, only those rules proposed on November 25, 1980, which have to do with fiscal matters or which incorporate needed editorial matter into the program's existing rules.

Thus, Part 61 of the amendments is being revised to clarify the provisions for calculating the effective date of new flood insurance policies (new Section 61.11 (e)) and, at Section 61.10, the minimum premium is being changed from \$25.00 to \$50.00 per policy. At Part 62, the minimum commission rule is being revised as proposed. This revision also includes a few editorial revisions to the National Flood Insurance Program regulations.

Concerning the remaining proposed rules contained in the November 25, 1980, proposed rulemaking, including revisions dealing with the individual risk rating system, the broadening of the coverage provisions of the Standard Flood Insurance Policy and the increase in the basic deductible provisions, the

final rulemaking is being held in abeyance at this time to provide an additional sixty (60) days for comments and policy review. Accordingly, the docket in respect to FEMA's Proposed Rule on National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62, and 64, published in the Federal Register on November 25, 1980, at pp. 78181-78188 is being held open at this time, and all comments received on or before April 6, 1981, will be considered before final action is taken on any proposed rules not published as final in these revisions. It should also be noted that, as to the individual risk rating system proposed, to implement 44 CFR Section 9.11 (e), this action is consistent with and engendered by FEMA Amendment of Regulations, dated January 21, 1981, which amended 44 CFR Section 9.11 (e) (2) by changing the date February 1, 1981, to May 1, 1981 (46 FR 9084, on January 28, 1981). Simultaneously with this final rule, a Notice of Intent to Delay Final Rulemaking to Elicit Additional Comments for Sixty Days is being published in the Federal Register with respect to the matters set forth in FEMA's November 25, 1980, Proposed Rulemaking National Flood Insurance Program, Coverage, Sales and Loss Prevention Provisions and not published as final rules herein.

FEMA has determined that an environmental impact statement is not needed for this final rule. A copy of the finding of no significant impact is available for inspection at the above address.

Accordingly, Subchapter B of Chapter 1 of Title 44 is amended at Parts 61 and 62 as follows:

1. Section 61.10 is revised to read as follows:

§ 61.10 Minimum premiums.

The minimum premium required for any policy, regardless of the term or amount of coverage, is \$50.00.

2. The title of § 61.11 is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

3. In § 61.11(b), the introductory text is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

(b) Where title to property is conveyed, any new or added coverage or increase in the amount of coverage with respect to the property shall be effective as of the time title to the property is transferred to the purchaser, provided the written request for the new or added coverage is received by the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) when:

4. Section 61.11(d) is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

(d) Adding new coverage or increasing the amount of coverage in force is permitted during the term of any policy. The additional premium for any new coverage or increase in the amount of coverage shall be calculated pro rata in accordance with the rates currently in force.

5. New § 61.11(e) is added as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

(e) With respect to any submission of an application in connection with new business, the payment by an Insured to an Insured's agent or the issuance of premium payment by the agent does not constitute payment to the NFIP. Therefore, it is important that an application for Flood Insurance and its premium be mailed to the NFIP (P.O. Box 34294, Bethesda, Maryland 20034) promptly in order to have the effective date of the coverage based on the application date plus the waiting period. If the application and the premium payment are received at the NFIP within ten (10) days from the date of application, the waiting period will be calculated from the date of application. Also, as an alternative, in those cases where the application and premium payment are mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of application even though the application and premium payment are received at the NFIP after ten (10) days following the date of application. Thus, if the application and premium payment are received after ten (10) days from the date of the application or are not mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date

of receipt by the NFIP. To determine the effective date of any coverage added by endorsement to a flood insurance policy already in effect, substitute the term "endorsement" for the term "application" in this paragraph (e).

6. Section 62.3 (b) and (d) are amended by revising the addresses to read as follows:

§ 62.3 Servicing agent.

(b) * * *

Electronic Data Systems Federal Corporation, 8430 Rockledge Drive, Bethesda, Maryland 20034

(d) National Flood Insurance Program, P.O. Box 34294, Bethesda, MD 20034

7. Section 62.6 is revised to read as follows:

§ 62.6 Minimum commissions.

(a) The earned commission which shall be paid to any property or casualty insurance agent or broker duly licensed by a state insurance regulatory authority, with respect to each policy or renewal the agent duly procures for an insured, shall not be less than \$10 and is computed as follows:

(1) In the case of a new or renewal policy, the following commissions shall apply based on the total premiums paid for the policy term:

Policy term	Premium amount	Commissions (percent)
1 year	1st of \$2,000	15
	Excess of \$2,000	5
3 years	1st of \$6,000	15
	Excess of \$6,000	5

(2) In the case of mid-term increases in amounts of insurance added by endorsement, the following commissions shall apply based on the total premium paid for the increased amounts of insurance:

Premium amounts	Commission (percent)
1st of \$2,000	15
Excess of \$2,000	5

(b) Any refunds of premiums authorized under this subchapter shall not affect a previously earned commission; and no agent shall be required to return that earned commission, unless the refund is made to establish a common policy term anniversary date with other insurance providing coverage against loss by other perils in which case a return of commission will be required by the

agent on a pro rata basis. In such cases, the policy shall be immediately rewritten for a new term with the same amount(s) of coverage and with premium calculated at the then current rate and, as to return premium, returned, pro rata, to the insured based on the former policy's premium rate.

§ 62.7 [Removed]

8. Section 62.7, titled "Notice to Policyholders" is removed.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001-4128; Reorganization Plan No. 3 of 1978 (43 FR 41943), Executive Order 12127, dated March 31, 1979 (44 FR 19367) Executive Order 11988, dated May 24, 1977 and 44 CFR Part 9, Delegation of Authority to Federal Insurance Administrator)

(42 U.S.C. 4001-4128; 44 CFR Part 9)

Issued at: Washington D.C., February 13, 1981.

Richard W. Krimm,
Acting Federal Insurance Administrator.

[FR Doc. 81-5887 Filed 2-20-81; 8:45 am]
BILLING CODE 6719-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

Income Poverty Guidelines (Revised); Withdrawal of Final Rule

Note.—This document originally appeared in the *Federal Register* for Friday, February 20, 1981. It is reprinted in this issue to meet requirements for publication on the Monday-Thursday schedule assigned to the Community Services Administration.

AGENCY: Community Services Administration.

ACTION: Withdrawal of Final Rule—Income Poverty Guidelines (Revised).

SUMMARY: The Community Services Administration is withdrawing its revision of the Income Poverty Guidelines published in the January 22, 1981, edition of the *Federal Register*, (46 FR, No. 14, pp. 6950-6951). This rule was scheduled to go into effect on February 23, 1981. However, recent interpretation of the President's January 29, 1981 memorandum to many Federal agencies requesting postponement of final regulations makes it necessary that CSA review the Final Rule—CSA Income Poverty Guidelines (revised) and provide the Office of Management and Budget certain data before the rule can again be submitted for publication. In lieu of new Income Poverty Guidelines, please revert to the rules published April 21, 1980, and August 4, 1980. The

Agency anticipates publishing the guidelines in the near future.

EFFECTIVE DATE: This notice of withdrawal of final rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning & Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632-6630, Teletypewriter: (202) 254-6218.

Authority: The provisions of this subpart are issued under Section 602, 78 Stat. 530, 42 U.S.C. 2942.

William Allison,
Acting Director.

[FR Doc. 81-6052 Filed 2-19-81; 12:19 pm]
BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-527; RM-3509]

FM Broadcast Stations in Columbia and Monroe City, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends § 73.202(b) of the Commission's Rules, the FM Table of Assignments, by assigning Channel 289A to Columbia, Missouri, and substituting Channel 292A for Channel 289A at Monroe City, Missouri, in response to a petition from Al Germond.

EFFECTIVE DATE: April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 832-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Columbia and Monroe City, Missouri), BC Docket No. 80-527 and RM-3509.

Report and Order

(Proceeding Terminated)

Adopted: February 10, 1981.

Released: February 18, 1981.

By the Chief, Policy and Rules Division:

1. On August 19, 1980, at the request of Al Germond ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 58620. The

published September 4, 1980, proposing the assignment of Channel 269A to Columbia, Missouri, as its third commercial FM assignment, and the substitution of Channel 292A for Channel 269A in Monroe City, Missouri. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for Channel 269A, if assigned to Columbia. Comments were filed by Contemporary Broadcasting, Inc. ("Contemporary"), licensee of Station KFMZ-FM, Columbia, Missouri, opposing the assignment. Petitioner responded to Contemporary's arguments.

2. Columbia (pop. 58,804),¹ seat of Boone County (pop. 80,911), is located in central Missouri, approximately 193 kilometers (120 miles) west of St. Louis, and approximately the same distance east of Kansas City, Missouri. According to population estimates provided by petitioner, the population of Columbia rose 60.5% from 1960 to 1970, while that of Boone County rose 46.6% during the same period. Petitioner relies on the local Chamber of Commerce figures to estimate the 1978 population of Columbia at 65,500, and of Boone County at 100,000.

3. Columbia is presently served by two commercial FM stations (KMCQ, Channel 244A; KFMZ-FM, Channel 252A), four noncommercial FM stations (KCOU, Channel 201A; KOPN, Channel 208C; KWWC-FM, Channel 213D; KBIA, Channel 217C), and two AM stations (KFRU, fulltime; KTGR, daytime). Monroe City presently has no aural broadcast service. While Channel 269A was recently assigned to Monroe City,² it remains unoccupied and unapplied for.

4. In the Notice we indicated that a preclusion study for Channel 269A at Columbia showed that no preclusion area would be created by the proposed assignment, except for the co-channel where there is a small such area near Columbia. A preclusion study conducted by our staff for Channel 292A at Monroe City, indicated preclusion on Channels 289, 290 and 292A in all or parts of the following counties: Macon, Shelby, Lewis, Marion, Randolph, Monroe, Ralls, and Pike (in Missouri); and Adams, Brown, and Pike (in Illinois). In reply comments, petitioner showed that the only community for which there was no alternative channel available for assignment is Huntsville in Randolph County. No comments have been received expressing an interest in

applying for a channel in that community.

5. In its comments, Contemporary pointed out the possibility of an FM assignment in the area causing interference to VHF television Channel 11 in St. Louis, Missouri, and suggested that the Commission may wish to receive evidence on the question. In reply, petitioner stated that there was no foundation to Contemporary's claim.

6. The Commission has generally held that interference to television reception caused by FM stations is not a matter taken into account in assigning FM channels. Rather the problem can be more effectively dealt with in connection with the filing of an application for the FM station. See *Policy to Govern the Change of FM Channels to Avoid Interference to Television Reception* (FCC 66-106), 6 RR 2d 672 (1966). In the past certain measures such as traps and filters have been effective in solving the problem. But the extent of the problem is not known until a specific proposal is before the Commission. *Id.*; *FM Interference to Television Reception* (FCC 67-1012), released September 1, 1967.

7. Contemporary also opposes the assignment on the ground that, according to the 1970 U.S. Census, Columbia has only slightly more than the minimum number of people necessary to bring it within the 2-4 channel "bracket" under the Commission's population criteria.³ Contemporary argues that in such a case the standard to be applied is whether the proposed community of assignment has a fair and equitable share of available frequencies when compared to communities of comparable size. Contemporary pointed out that Columbia is served by two commercial FM stations, four noncommercial FM stations, and two AM stations. Petitioner responded by arguing that noncommercial stations are not considered in calculating whether a new commercial station should be assigned, leaving Columbia with two FM assignments, one full-time AM station and one daytime AM station. Petitioner is correct that noncommercial stations are not considered under the Commission's population criteria for channel assignments. Thus the present assignment would not exceed the population criteria. Furthermore, we believe that the present request is an

efficient assignment since the preclusion impact would be insubstantial.

8. After careful consideration of the proposal and comments, we believe it would be in the public interest to assign Channel 269A to Columbia, Missouri, and substitute Channel 292A for Channel 269A at Monroe City, Missouri. The substitution in Monroe City will have no adverse impact on the establishment of a first local service there, and will enable Columbia, a growing community, the opportunity for a third commercial FM service.

9. Accordingly, it is ordered, That effective April 13, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Columbia, Mo.	244A, 252A, 269A
Monroe City, Mo.	292A

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

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

12. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-6015 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

¹ Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

² *Monroe City, Missouri*, BC Docket No. 79-16, adopted June 22, 1978.

³ See paragraph 4 of the *Further Notice of Proposed Rule Making* in Docket No. 14185, adopted June 25, 1962 (FCC 62-967), and incorporated by reference in paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 F.C.C. 747, 758 (1963).

Proposed Rules

Federal Register

Vol. 46, No. 35

Monday, February 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Intent Not To Issue Energy Efficiency Standards Until Further Study

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy is announcing that it will not prescribe the first national appliance energy efficiency standards until the analysis upon which the standards would be based is reviewed for its sufficiency.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Consumer Products Efficiency Branch, Room GH-065, Mail Station CS-112.1, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-9127.

SUPPLEMENTARY INFORMATION: On June 30, 1980 (45 FR 43976), the Department of Energy (DOE or Department) proposed energy efficiency standards for 8 types of major household appliances, pursuant to the Energy Policy and Conservation Act, as amended (42 U.S.C. 6291 *et seq.*) (PCA). Final rules were required by January 2, 1981 establishing standards for these appliances, if possible. The EPCA provides, however, that a rule establishing no appliance efficiency standard shall be prescribed if it is determined that the standard's establishment would not result in significant conservation of energy or would not be technologically feasible or economically justified.

The sufficiency of the analysis upon which the standards would be based—particularly with respect to their economic justification—was called into question in many of the 1,800 comments received on the proposal. In particular, the Department of Justice and the Regulatory Analysis Review Group had

significant reservations about the methodology used and many of the results obtained in the analysis supporting the proposal. While much work on the data has been done since that time, a thorough assessment of the data is still not complete. Consequently, further study is required.

When completed, the Department's review is expected to include an assessment of the need, if any, for standards, taking into consideration the recently initiated program to require energy efficiency labeling of a number of appliances. Moreover, further study of the standards is appropriate to insure that projected energy savings and expected impacts on businesses conform to the objective of a balanced energy program free of arbitrary and counterproductive restraints.

The appliances affected are refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, kitchen ranges and ovens, central air conditioners, and furnaces.

Issued in Washington, D.C., February 17, 1981.

Frank DeGeorge

Acting Assistant Secretary for Conservation and Solar Energy.

[FR Doc. 81-5916 Filed 2-18-81; 3:00 pm]

BILLING CODE 6450-01-M

10 CFR Part 477

[CAS-RM-80-513]

Standby Federal Emergency Energy Conservation Plan

AGENCY: Department of Energy.

ACTION: Withdrawal of proposed rule and notice of proposed rulemaking to remove interim final rule.

SUMMARY: On February 7, 1980 (45 FR 8462), the Department of Energy published a standby Federal emergency energy conservation plan which contained various emergency conservation measures which were published in part as interim final and in part as proposed rules. By this notice the Department of Energy is withdrawing those measures which were proposed for inclusion in the Federal plan and proposing that certain of the interim final measures be removed. The proposed rules which are withdrawn include the compressed workweek

measure, the vehicle use sticker measure, and one section of the employer-based commuter and travel measure. The interim final rules which this notice proposes to revoke include the odd-even day motor fuel purchase measure, the rest of the employer-based commuter and travel measure, the speed limit measure, and the mandatory temperature restrictions measure.

DATES: Proposed §§ 477.44(f), 477.46, and 477.47 of Title 10 of the *Code of Federal Regulations* (45 FR 8502-3, February 7, 1980) are withdrawn, effective immediately.

Written comments on the proposal to remove §§ 477.43, 477.44(a)-(e), 477.45 and 477.52 of Title 10 of the *Code of Federal Regulations* (45 FR 8500-8504, February 7, 1980) and on other matters designated elsewhere in this notice as appropriate for comment must be received by April 24, 1981 4:30 p.m. e.s.t. in order to ensure their consideration. A public hearing will be held on March 24, 1981, in Washington, D.C., at the time and place indicated in the Public Hearing section of the Supplementary Information. Requests to speak at the public hearing must be received by March 10, 1981. DOE will notify persons selected to appear by March 17, 1981.

ADDRESS: All written comments and requests to speak should be addressed to: Ms. Kay Loomis, Hearings and Dockets Branch, Conservation and Solar Energy, Department of Energy, Mail Stop 6B-025, 1000 Independence Avenue SW., Washington, D.C. 20585, Attn: CAS-RM-80-513. Telephone: (202) 252-9319. Public hearing location: Room 2105, 2000 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Henry Bartholomew, Office of Emergency Conservation Programs, Conservation and Solar Energy, Department of Energy, Room GE-004A, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252-4966.

SUPPLEMENTARY INFORMATION:

Background

Section 213(a) of the Emergency Energy Conservation Act of 1979 (Pub. L. No. 96-102) (EECA or the Act) required the Department of Energy (DOE) to establish a standby Federal emergency energy conservation plan (the Federal plan) within 90 days after the date of enactment. As required by the Act, DOE

established the Federal plan on February 4, 1980.

As published (45 FR 8462, February 7, 1980), the Federal plan contained seven interim final measures (10 CFR 477.41, 477.42, 477.43, 477.44(a)-(e), 477.45, 477.51, and 477.52), with four additional measures proposed for inclusion (10 CFR 477.44(f), 477.46, 477.47 and 477.48). Comment was invited on both the interim final and the proposed measures, and extensive comments were received. On May 16, 1980 (45 FR 34015, May 21, 1980), DOE withdrew proposed § 477.46, the recreational watercraft restriction measure, effective retroactively as of April 23, 1980.

In both the written comments on the Federal plan and at public hearings held in eight cities across the country, many individuals and business representatives expressed their concern that several of the emergency energy conservation measures if adopted and implemented would interfere excessively in their lives, were unnecessary restrictions, and would impose costs far in excess of their benefits. In addition, comments often indicated that energy emergencies could be better addressed by an unregulated marketplace.

In general, the Department favors an energy program free of counterproductive constraints—a program designed to promote vigorous domestic production and pricing based on marketplace forces.

On January 28, 1981, the President removed all remaining Federal price and allocation controls on U.S. crude oil and petroleum products (46 FR 9909, January 30, 1981). In light of the decontrol action, an unregulated market may now provide sufficient assurance of an orderly adjustment to any future energy supply interruptions.

Accordingly, the Department is particularly interested in receiving comments on the following:

- Is an unregulated market for petroleum and petroleum products the best approach to an energy supply interruption?
- Would the various conservation measures which are the subject of today's notice now be counterproductive, imposing greater costs and administrative inconvenience than they may be worth? Commenters are invited to address the proposed measures which are withdrawn as well as the interim final measures.
- Would these requirements, were they even implemented, interfere with public and business day-to-day activities to an unwarranted extent?
- Are there other demand restraint measures which, if implemented during

an energy supply emergency, would not be counterproductive?

- Are there better approaches to handling any future energy emergencies than those included in or contemplated by the measures previously proposed?

Final and Proposed Action and Caveat

This notice withdraws the three measures which were proposed for inclusion in the plan: section (f) of the employer-based commuter and travel measure, the compressed workweek measure, and the vehicle use stricter measure.

Additionally, this notice proposes to withdraw the following interim final rules: the odd-even day motor fuel purchase measure, most provisions of the employer-based commuter and travel measure, the speed limit measure, and the mandatory temperature restrictions measure.

Sections 477.41 and 477.51, public information measures, and § 477.42, minimum automobile fuel purchase measure, remain in the Federal plan as interim final rules.

While the Department intends currently to withdraw most of the measures from the Federal plan, it wishes to note that any number of conservation measures might be activated if essential to managing any severe emergency supply shortfall.

Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the actions discussed in this notice to Ms. Kay Loomis, Hearings and Dockets Branch, Conservation and Solar Energy, Department of Energy, Mail Stop 6B-025, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attn: CAS-RM-80-513.

Comments should be identified on the outside of the envelope and on documents with the designation "Emergency Energy Conservation." Attn: CAS-RM-80-513. Fifteen copies should be submitted. All comments received by April 24, 1981, before 4:30 p.m., e.s.t., and all other relevant information, will be considered by DOE before final action is taken regarding the proposed guidelines. All comments received will be available for public inspection in the DOE Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., between 8:30 a.m. and 4:00 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which that person believes to be confidential and exempt by law from public disclosure should submit

one complete copy, and fifteen copies from which information claimed to be confidential has been deleted. DOE shall make its own determination with regard to any claim that information submitted be withheld from public disclosure.

Public Hearing

DOE will hold one public hearing on this proposed rule. The public hearing will be held in Washington, D.C., at 9:30 a.m., local time on March 24, 1981, at the Department of Energy, Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in it may make a written request for an opportunity to make an oral presentation. Requests to speak at the hearing should be addressed to Ms. Kay Loomis, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, Mail Stop 6B-025, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attn: CAS-RM-80-513, (202) 252-9319, and must be received by 4:30 p.m., e.s.t. on March 10, 1981. A request may also be hand delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Requests should be marked the same as for written comments with the additional notation "With Request To Speak."

The person making the request shall describe briefly that person's interest in the proceeding; if appropriate, state why that person is a proper representative of a group or class of persons that has such an interest; give a concise summary of the proposed oral presentation; and provide a phone number where the person may be contacted during the day.

Each person selected to be heard at the public hearing to be held in Washington, D.C., will be notified by March 10, 1981. Those persons selected to be heard should bring 15 copies of their statement to the hearing. If a person cannot provide 15 copies, alternate arrangements can be made in advance of the hearing. This should be done in the letter requesting to speak.

Conduct of Hearing

DOE reserves the right to select persons to speak at the hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation will be limited, based on the number of persons requesting to speak.

A DOE official will preside at this hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked of speakers only by those

conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all the information available to DOE. Any participant who wishes to ask questions at the hearing may submit the questions, in writing, at the registration desk. The presiding officer will determine whether the questions are relevant and material, and whether the time limitations permit them to be answered.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and an entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person may purchase a copy of the transcript from the reporter. If DOE must cancel the hearing, DOE will make every effort to publish an advance notice of such cancellation in the *Federal Register*. Notice of cancellation will also be given to all persons scheduled to speak at the hearing.

Environmental Review

When the measures which are proposed to be withdrawn were first published as interim final rules, the Department of Energy determined that they, along with the other measures proposed for the Federal plan, did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* (45 FR 8492-8493). The measures have never been placed into effect or scheduled to be placed into effect. Withdrawing the measures will also not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA.

Regulatory Impact Analysis and Review

The Director of the Office of Management and Budget has exempted those parts of this action which propose to revoke portions of the interim final rule from the requirements of Executive Order 12291 (February 17, 1981) because this action proposes to eliminate certain regulatory restrictions. Insofar as this action simply withdraws a proposed

rule, no action is required under Executive Order 12291, *supra*.

Urban Impact Analysis

The proposed action has been reviewed in accordance with OMB Circular A-116 to assess the impact on urban centers and communities. In accordance with the DOE finding that the regulation is not likely to have a major impact, DOE has determined that no urban impact analysis of the rulemaking is necessary, pursuant to Section 3(a) of OMB Circular A-116.

Regulatory Flexibility Act Analysis

This notice proposes withdrawing a regulation which is in a standby status and is not now, nor scheduled to be, in effect in any jurisdiction. Since it is not now affecting any small entities nor is it certain that it will ever affect any small entities, its withdrawal will have no effect on small entities. Therefore, pursuant to the Regulatory Flexibility Act, this notice constitutes certification that, if promulgated, this regulation will not have a significant economic impact on a substantial number of small entities, and an analysis is not required under this Act (Pub. L. 96-354).

(Title II of the Emergency Energy Conservation Act of 1979, P.L. No. 96-102, 42 U.S.C. 8501 *et seq.*; Department of Energy Organization Act, P.L. No. 95-91, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing: (1) proposed §§ 477.44(f), 477.46, and 477.47 of Title 10 of the *Code of Federal Regulations*, which were published on February 7, 1980 (45 FR 8502-3), are withdrawn and (2) Part 477, Chapter II of Title 10 of the *Code of Federal Regulations*, is proposed to be amended as set forth below.

Issued in Washington, D.C., February 17, 1981.

Frank DeGeorge,

Acting Assistant Secretary for Conservation and Solar Energy.

§§ 477.43, 477.44, 477.45, 477.52
[Removed]

1. Sections 477.43, 477.44(a)-(e), 477.45, and 477.52 of Title 10 of the *Code of Federal Regulations*, which were published on February 7, 1980 (45 FR 8500-8504), are removed.

[FR Doc. 81-5915 Filed 2-18-81; 2:30 pm]

BILLING CODE 6450-01-M

10 CFR Part 780

Patent Compensation Board Regulations

AGENCY: Department of Energy.

ACTION: Notice of proposed rule.

SUMMARY: The Department of Energy ("DOE") is proposing to amend the Patent Compensation Board (the "Board") regulations issued in 1975 by the Atomic Energy Commission by deleting them in their entirety and substituting the proposed regulations. The proposed regulations set forth the requirements for initiating proceedings before the Board and the procedures to be followed in such proceedings.

DATES: Comments must be received on or before March 25, 1981.

ADDRESS: Send comments to Mr. James E. Denny, Assistant General Counsel for Patents, U.S. Department of Energy, Mail Stop A2-3018, Washington, D.C. 20545, telephone (301) 353-4018.

FOR FURTHER INFORMATION CONTACT: Judson R. Hightower, Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545, (301) 353-5093.

SUPPLEMENTARY INFORMATION: Sections 104 and 105 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814-15), section 157 of the Atomic Energy Act of 1954 (the "Act") (42 U.S.C. 2187), and section 644 of the Department of Energy Organization Act of 1977 (42 U.S.C. 7254) provide the Secretary of Energy with the authority to issue regulations governing proceedings before the DOE Patent Compensation Board.

The current regulations provide that the Board consider applications (1) for just compensation for revocation of patent rights under sections 151a and 151b of the Act; (2) for the determination of a reasonable royalty fee for patents licensed under sections 153 and 158 of the Act; (3) for the grant of an award for inventions reported under section 151c of the Act; (4) for just compensation pursuant to section 173 of the Act; and (5) for compensation pursuant to the Invention Secrecy Act (35 U.S.C. 183). The Board, however, no longer considers applications for just compensation for revocation of patent rights under sections 151a and 151b since section 157d provides that applications shall be barred unless filed within six years after the date on which the right to just compensation accrues. All rights to just compensation accrued in 1961, the effective date of sections 151a and 151b, making 1967 the last year in which applications could be made.

With the creation of the Energy Research and Development Administration (ERDA), the Board of Hearing Examiners, which, under 10 CFR Parts 701 and 702, was given authority to make the determinations to declare a patent affected with the public interest under section 153a and to

license a nuclear patent under section 153, was transferred to the Nuclear Regulatory Commission (NRC). This transfer left ERDA with responsibility for, but no entity with the authority to make, the initial determinations required to declare a patent affected with the public interest under section 153a and to license a nuclear patent under section 153. Under the proposed regulations the Patent Compensation Board would make the determinations required by section 153.

This proposed revision of 10 CFR Part 780 would consolidate the procedures for declaring a patent affected with the public interest, granting a license, and determining royalties under a section 153 proceeding. Specifically, the proposed regulations would add to the existing regulations (10 CFR Part 780 (1975)) the requirements set forth in: (1) 10 CFR Part 702, Subpart C (1975), which prescribes the procedures for declaring a patent to be affected with the public interest pursuant to section 153a of the Act and for granting a license pursuant to sections 153b and 153e of the Act; (2) 10 CFR Part 781.70-.72 (1975), which set forth the requirements of applications for licenses under section 153a of the Act and the conditions of licenses issued pursuant to section 153b of the Act; and (3) 10 CFR 781.80-.83 (1975), which provide the requirements of applications for licenses under section 153c of the Act and the conditions of licenses issued pursuant to section 153e of the Act.

The DOE Board of Contract Appeals would act as the Patent Compensation Board in proceedings brought in accordance with the proposed regulations, and the decision of the Board in such proceedings would constitute the final action of DOE.

In accordance with Section 501(c) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses.

DOE has determined that the proposed regulations are non-significant as that term is defined in DOE Order 2030 signed December 18, 1978, (44 FR 1040) (January 3, 1979) to implement Executive Order 12044, and therefore no public hearing pursuant to DOE Order 2030 is required.

In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601) the Secretary certifies that the proposed regulations will not have a significant impact on a substantial number of small entities. This certification is based on the fact that

only six cases have been brought before the Patent Compensation Board by small entities in the past twenty years. Under the proposed regulations no substantial increase in the number of cases annually brought before the Board is anticipated. Since only a few applications by small entities are anticipated, the number of cases would be too small to warrant a finding that the proposed regulations would have a significant impact on a substantial number of small entities.

DOE has determined that the regulations do not require the preparation of an Environmental Impact Statement pursuant to the requirements of the National Environmental Policy Act of 1969.

(Department of Energy Organization Act, sections 301 and 644, 42 U.S.C. 7151 and 7254; Energy Reorganization Act of 1974, sections 104 and 105, 42 U.S.C. 5814-15; Atomic Energy Act of 1954, sections 157, 42 U.S.C. 2187)

In consideration of the foregoing, Part 780 of Title 10 of the Code of Federal Regulations is revised as set forth below.

Issued in Washington, D.C., February 13, 1981.

Eric J. Fygi,

Acting General Counsel, U.S. Department of Energy.

PART 780—PATENT COMPENSATION BOARD REGULATIONS

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- 780.53 Criteria for decisions for royalties, awards and compensation.

Authority: Department of Energy Organization Act, sections 301 and 644, Pub. L. 95-91 (42 U.S.C. 7151, 7254); Energy Reorganization Act of 1974, sections 104 and 105, Pub. L. 93-438 (42 U.S.C. 5814, 5815); Atomic Energy Act of 1954, sections 153, 157 and 173, Pub. L. 83-703 (42 U.S.C. 2183, 2187, 2223); Invention Secrecy Act (35 U.S.C. 183).

Subpart A—General Provisions

§ 780.1 Scope.

The regulations in this part establish the procedures, terms and conditions for Patent Compensation Board:

(a) Proceedings to declare a patent affected with the public interest pursuant to section 153a of the Atomic Energy Act of 1954 (Pub. L. 83-703; 42 U.S.C. 2183);

(b) Proceedings to determine a reasonable royalty fee pursuant to section 157 of the Atomic Energy Act of 1954;

(c) Proceedings for the grant of an award pursuant to section 157 of the Atomic Energy Act of 1954;

(d) Proceedings to obtain compensation pursuant to section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183);

and for applications to the Department of Energy (DOE) for a patent license pursuant to sections 153b(2) and 153c of the Atomic Energy Act of 1954.

§ 780.2 Definitions.

(a) "Act" means the Atomic Energy Act of 1954 (Pub. L. 83-703; 42 U.S.C. 2011).

(b) "Application" means the application filed by an applicant for a patent license, for the determination of a reasonable royalty fee, for an award, or for compensation under this part.

(c) "Board" means the Patent Compensation Board.

(d) "Chairman" means the Chairman of the Patent Compensation Board.

(e) "Department", or "DOE", or "Department of Energy" means the Department of Energy, established by the Department of Energy Organization Act (Pub. L. 95-91; 42 U.S.C. 7101).

(f) "Party" means the applicant, patent owner, Department representative, and any person admitted as a party by the Board for any proceeding under this part.

(g) "Patent Owner" means the owner of record in the United States Patent and Trademark Office.

(h) "Secretary" means the Secretary of the Department of Energy or the delegate of the Secretary of Energy.

§ 780.3 Jurisdiction of the Patent Compensation Board.

The Patent Compensation Board was established by section 157 of the Atomic Energy Act of 1954. It was transferred to the Energy Research and Development Administration pursuant to section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814) and subsequently to the Department of Energy by section 301 of the Department of Energy Organization Act (42 U.S.C. 7151). Under section 157, the Board is given authority to determine reasonable royalty fees or resolve issues involving the grant of awards. In addition, the Board has authority: (a) to hear and make decisions as to compensation under section 173 of the Act (42 U.S.C. 2223) and the Invention Secrecy Act (35 U.S.C. 183); (b) to hear and make decisions as to whether a specific patent is affected with the public interest pursuant to section 153a of the Act; (c) to hear and make decisions as to whether a specific patent license should be granted under sections 153b(2) and 153e of the Act; (d) to give notices, hold hearings and take such other actions as may be necessary under section 153; and (e) to exercise all powers available under the Act and necessary for the performance of these duties, including the issuance of such rules of procedure as may be necessary.

§ 780.4 Filing and service of documents.

(a) All communications regarding proceedings subject to this part should be addressed to: Chairman, Patent Compensation Board, U.S. Department of Energy, Webb Building, Room 1006, 4040 N. Fairfax Drive, Arlington,

Virginia 22203. All documents offered for filing shall be accompanied by proof of service upon all parties to the proceeding or their attorneys of record as required by law, rule, or order of the Department. Service on the Department shall be mail, telegram, or delivery to: Office of the Assistant General Counsel for Patents, U.S. Department of Energy, Washington, D.C. 20545.

(b) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the United States mail or with a telegraph company.

§ 780.5 Applications—General form, content, and filing.

(a) Each application shall be signed by the applicant and shall state the applicant's name and address. If the applicant is a corporation, the application shall be signed by an authorized officer of the corporation, and the application shall indicate the state of incorporation. Where the applicant elects to be represented by counsel, a signed notice to that effect shall be filed with the Board.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required. Each application shall be verified by the applicant or by the person having the best knowledge of such facts. In the case of facts stated on information and belief, the source of such information and grounds of belief shall be given.

(c) Each application must identify any person whose interest the applicant believes may be affected by the proceeding before the Board.

(d) Three copies of each application shall be filed with the Board. However, only one copy of the accompanying exhibits need be filed.

(e) The Board will acknowledge the receipt of the application in writing and advise the applicant of the docket number assigned to the application.

§ 780.6 Department participation.

The Department shall be a party to all proceedings under this part, and the Office of the General Counsel will represent the Department's interests before the Board.

§ 780.7 Designation of interested persons as parties.

In any proceeding under this part, the Board shall admit as a party any person, upon application of such person or on the Board's own initiative, whose interest may be affected by the proceeding.

§ 780.8 Security.

In any proceeding under this part, the Board shall take such steps as necessary

pursuant to chapter 12 of the Act and section 181 of the Act to assure compliance with Department security regulations and the common defense.

§ 780.9 Rules of procedure before the Board.

Except as set forth in this part, all Board proceedings, including the hearing and decision, shall be conducted pursuant to the rules of practice of the Department of Energy Board of Contract Appeals, 10 CFR Part 1023, modified as the Board may determine to be necessary and appropriate.

§ 780.10 Decision of the Board.

The decision of the Board in any proceeding under this part shall constitute the final action of the Department on the matter.

§ 780.11 Records of the Board.

The records of the Board in cases filed before it, including the pleadings, the transcript, and the final decision, shall be open to public inspection, except to the extent that such records or portions thereof are withheld from disclosure by the Board pursuant to 10 CFR Part 709 (1975).

Subpart B—Declaring Patents Affected With the Public Interest Under Section 153a of the Atomic Energy Act of 1954

§ 780.20 Initiation of proceeding.

When any person in the Department believes that the Department should declare a patent affected with the public interest pursuant to section 153a of the Act, that person shall make such a recommendation to the Under Secretary. If, after consultation with the General Counsel, the Under Secretary agrees with the recommendation, the Under Secretary shall initiate in writing a proceeding under section 153a before the Board. The communication of the Under Secretary to the Board shall identify the patent and state the basis for the proposed declaration.

§ 780.21 Notice.

The Board will serve upon the patent owner and all other parties a written notice of the Department's proposed action to declare the patent affected with the public interest, and the notice shall identify the patent and state the basis for the proposed declaration.

§ 780.22 Opposition, support and request for hearing.

(a) Any party may, within thirty (30) days after service of the notice or such other time as may be provided by the terms of the notice, file with the Board a written statement in opposition to or in support of the Department's proposed

action. Such statement may also include a request for hearing. The statement shall contain a concise description of the facts, law, or any other relevant matter which the party believes should be reviewed by the Board during its consideration of the proposed declaration. If the request for a hearing is timely received, the Board shall call a hearing and provide notice of the time and place to all parties.

(b) Failure of all parties to oppose the proposed action or to request a hearing within the time specified in the notice shall be deemed an acquiescence to that action and may result in a declaration by the Board that the patent is affected with the public interest.

§ 780.23 Hearing and decision.

If a timely request for a hearing is made by any party, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall prepare and issue its decision on the record.

§ 780.24 Criteria for declaring a patent affected with the public interest.

A patent shall be declared to be affected with the public interest pursuant to section 153a of the Act upon the Board's final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and

(b) The licensing of such invention or discovery under section 153 of the Act is of primary importance to effectuate the policies and purposes of the Act.

Subpart C—Application for a License Pursuant to Section 153b(2) of the Atomic Energy Act of 1954

§ 780.30 Filing of application.

An applicant for a license pursuant to section 153b(2) of the Act, under a patent which the Department has declared to be affected with the public interest, shall file an application with the Board in accordance with § 780.5. The Board will docket the application and serve notice of the docketing upon all parties.

§ 780.31 Contents of application.

Each application shall contain, in addition to the requirements specified in § 780.5, the following information:

(a) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the patent license;

(b) The nature and purpose of the applicant's intended use of the patent license;

(c) The relationship of the invention or discovery to the authorized activities to which it is to be applied, including an estimate of the effect on such activities stemming from the grant or denial of the license;

(d) Efforts made by the applicant to obtain a patent license from the owner of the patent;

(e) Terms, if any, on which the owner of the patent proposes to grant the applicant a patent license;

(f) The terms the applicant proposes for the patent license; and

(g) A request for either a hearing or a decision on the record.

§ 780.32 Response and request for hearing.

Any party within thirty (30) days after service of the notice of docketing of the application:

(a) May file with the Board a response containing a concise statement of the facts or law or any other relevant information which that party believes should be considered by the Board in opposition to or in support of the proposed application; and

(b) May file a request for a hearing or for a decision on the record.

§ 780.33 Hearing and decision.

If any party requests a hearing, the Board will proceed with a hearing and decision. If a hearing is not requested, the Board shall on the basis of the record prepare and issue its decision.

§ 780.34 Criteria for decision to issue a license.

A license shall issue to the applicant to use the invention covered by the patent declared to be affected with the public interest pursuant to subsection 153b(2) of the Act upon a final decision that:

(a) The activities to which the patent license is proposed to be applied are of primary importance to the applicant's conduct of an activity authorized under the Act; and

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 780.35 Communication of decision to General Counsel.

Following a determination to issue a patent license under section 153b(2) of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

§ 780.36 Conditions and issuance of license.

(a) Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license as determined by the General Counsel or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board, in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

Subpart D—Application for a License Pursuant to Section 153c of the Atomic Energy Act of 1954

§ 780.40 Filing of application.

An application to the Department, pursuant to section 153c of the Act, for the issuance of a license to use the invention or discovery covered by a patent useful in the production or utilization of special nuclear material or atomic energy shall be filed with the Board in accordance with the requirements of § 780.5.

§ 780.41 Contents of application

In addition to the information specified in § 780.5, each application shall contain the following:

(a) The applicant's contention, with supporting data, that the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The applicant's contention, with supporting data, that the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant, including information concerning:

(1) The activities in the production or utilization of special nuclear material or atomic energy to which applicant proposes to apply the license;

(2) The nature and purpose of the applicant's intended use of the patent license; and

(3) The relationship of the invention or discovery to the activities to which it is to be applied, including an estimate of

the effect of such activities stemming from the grant or denial of the license.

(c) The applicant's contention, with supporting data, that the activities to which the patent license are proposed to be applied are of primary importance to the furtherance of policies and purposes of the Act;

(d) The applicant's contention, with supporting data, that such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the applicant's intended use of the patent, including information concerning:

(1) Efforts made by applicant to obtain a patent license from the owner of the patent; and

(2) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

(e) The terms the applicant proposes as reasonable for the patent license; and

(f) A copy of any license, permit, or lease obtained by the applicant under the procedures outlined in section 153(c) of the Act.

§ 780.43 Notice of hearing.

Within thirty (30) days after the filing of the application, the Board will serve on all parties a notice of hearing to be held not later than sixty (60) days after the filing of the application.

§ 780.44. Response.

Any party may file a response with the Board containing a concise statement of the facts or law or any other relevant information in opposition to or in support of the application which that party believes should be considered by the Board. Such response must be filed by a party within twenty (20) days after being served a copy of the application.

§ 780.45 Hearing and decision.

In accordance with section 153d of the Act, the Board shall hold a hearing and issue a final decision on the application.

§ 780.46 Criteria for decision to issue a license.

A license shall issue to the applicant to use the invention covered by the patent for the purposes stated in the application upon a final decision that:

(a) The invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

(b) The licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

(c) The activities to which the patent license is proposed to be applied by such applicant are of primary

importance to the furtherance of policies and purposes of the Act; and

(d) Such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Department deems to be reasonable for the applicant's intended use of the patent.

§ 780.47 Communication of decision to General Counsel.

When the Board decides to issue a patent license under section 153c of the Act, the Board shall send the decision to the General Counsel and instruct the General Counsel to issue the license on terms deemed equitable by the Department and generally not less fair than those granted by the patentee or by the Department to similar licensees for comparable use.

§ 780.48 Conditions and issuance of license.

Upon receipt of the Board's decision and instruction to issue a patent license, the General Counsel shall issue the license which contains all necessary terms and conditions except for the royalty fee. The parties will propose and agree on a reasonable royalty fee within a reasonable time as determined by the General Counsel. If a party does not agree with the terms and conditions of the license or if a royalty fee cannot be agreed upon within the reasonable time period established by the General Counsel, any party may, within 30 days after the expiration of such time period, initiate a proceeding before the Board in accordance with Subpart E of this part, for a reconsideration of the General Counsel's determination. After the proceeding under Subpart E of this part is completed, the General Counsel shall modify the patent license in accordance with the Board's determination.

Subpart E—Application for Royalties and Awards Under Section 157 of the Atomic Energy Act of 1954 and Compensation Under Section 173 of the Atomic Energy Act of 1954 and the Invention Secrecy Act (35 U.S.C. 183)

§ 780.50 Applicants.

(a) Any owner or licensee of a patent licensed under section 158 or subsections b. or e. of section 153 of the Act may file an application with the Board for the determination of a reasonable royalty fee.

(b) Any owner or licensee of a patent licensed under subsections b. or e. of section 153 of the Act may file an application with the Board for the modification of any terms and conditions of the license.

(c) Any person who has made an invention or discovery useful in the

production or utilization of special nuclear material or atomic energy, has complied with the provisions of section 151c, but, under the Act, is not entitled to a royalty for such invention or discovery, may file an application for an award.

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Department has communicated to any foreign nation may make application for just compensation pursuant to section 173 of the Act.

(e) Any patent applicant, whose patent is withheld because of a secrecy order issued at the request of the Department may, beginning at the date the patent applicant is notified that, except for such order, the application is otherwise in condition for allowance, apply for compensation for the damage caused by the secrecy order and/or for the use of the invention by the Government resulting from any disclosure to the Department required by the Invention Secrecy Act.

§ 780.51 Form and content.

(a) Each application shall contain a statement of the applicant's interest in the patent, patent application, invention or discovery and identify any other claimants of whom the applicant has knowledge.

(b) Each application must contain a concise statement of all of the essential facts upon which it is based. No particular form of statement is required, but it will facilitate consideration of the application if the following specific data accompany the application:

(1) In the case of an issued patent, a copy of the patent.

(2) In the case of a patent application, a copy of the application and of all Patent and Trademark Office actions and responses thereto.

(3) In the case of an invention or discovery as to which a report has been filed with the Department pursuant to subsection c of section 151 of the Act, a copy of such report.

(4) In the case of an award, the date relied upon as the date of invention.

(5) In all cases, a statement of the extent to which the invention or discovery was developed through federally financed research or with other federal support.

(6) In all cases, the degree of the utility, novelty, and importance of the invention or discovery.

(7) In all cases, a statement of the actual use by the federal Government or others of such invention or discovery, to the extent known to the applicant.

(8) In all cases, the cost of developing the invention or discovery and acquiring the patent or patent application.

(9) The royalty fee proposed, the proposed terms and conditions of a license agreement, or the amount sought as compensation or award, as well the basis used in calculating such fee, compensation or award and whether a lump sum or periodic payments are sought.

(10) In an application for just compensation pursuant to section 173 of the Act, the ownership of the invention that is the subject matter of the patent application at the time the Department communicated the restricted data shall be set forth, and any restricted data contained in the application shall be specifically identified.

(11) In an application for compensation, under the authority provided in the Invention Secrecy Act (35 U.S.C. 183), for the damage caused by imposition of a secrecy order on a patent application and/or for the use of the invention by the Government, the date of the secrecy order, the date of the notice that the patent application is in condition for allowance, and, if known to the applicant, the date of the first use of the invention by the Government.

§ 780.52 Notice and hearing.

The Board shall, in its discretion, afford the applicable party an opportunity for a hearing for the presentation of relevant evidence. Thirty (30) days notice shall be given of the time and place of such hearing. After expiration of the notice period, the Board shall proceed with a hearing and render its decision.

§ 780.53 Criteria for decisions for royalties, awards and compensation.

(a) In deciding a reasonable royalty fee for a patent licensed under section 158 or sections 153b or 153e of the Act, the Board shall consider:

- (1) Any defense, general or special, that a defendant could plead in an action for infringement;
 - (2) The extent to which such patent was developed through federally financed research or with other federal support;
 - (3) The degree of utility, novelty, and importance of the invention or discovery; and
 - (4) The cost to the owner of the patent of developing such invention or discovery or of acquiring such patent.
- (b) In deciding whether or not to grant an award, under section 157 of the Act, for the making of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy, the Board shall take into

account the considerations set forth in subsection 780.53(a) of this part and the actual use of such invention or discovery.

(c) In deciding whether or not to provide compensation, pursuant to section 173 of the Act, to a person who owns a patent application that contains restricted data not belonging to the United States which the Department has communicated to a foreign nation, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and the damage to the applicant resulting from such communication.

(d) In the course of its review of an application to provide compensation, pursuant to 35 U.S.C. 183, to an applicant whose patent was withheld because of a secrecy order issued at the request of the Department, the Board shall take into account the considerations set forth in subsection 780.53(b) of this part and:

- (1) The damage sustained by the applicant as a result of the secrecy order; and
- (2) The use of the invention by the Government resulting from the disclosure of such invention to the Department.

[FR Doc. 81-5878 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AWE-1]

Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate new VOR Federal Airways V-393 and V-395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. This action would enhance the new border crossing requirements and improve flight safety in the area.

DATES: Comments must be received on or before March 25, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-1, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-

204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before March 25, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.124 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate new VOR Federal Airways V-393 and V-395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. The new airways would enhance traffic flow at the U.S./Mexico border crossing and permit more flexibility for operations in the area. Also, the Nogales VORTAC will be commissioned in February 1981. Section

71.123 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

Under § 71.123

"V-393 From Tucson, Ariz., via Nogales, Ariz. (3 miles east and 4 miles west of centerline); to Hermosillo, Mexico. The segment within Mexico is excluded." is added.

"V-395 From Tucson, Ariz., via INT Tucson 198°T(185°M) and Nogales, Ariz., 338°T(325°M) radials; Nogales; INT Nogales 198°T(185°M) and Hermosillo, Mexico, 355°T(343°M) radials; to Hermosillo. The segment within Mexico is excluded." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on February 13, 1981

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-5865 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

Correction

In FR Doc. 81-4579, published at page 11830, in the issue of Wednesday,

February 11, 1981, make the following corrections:

1. On page 11834, second column, in the first full paragraph, the first word in the next to the last line, now reading "in" should read "is."

2. In that same column, third full paragraph, in the eighth line, the word "the" should read "a."

3. Also in that column, in footnote 1, some material was omitted. In the third line from the end of footnote 1, change the word "voluntary" to "voluntarily" and add "and with little risk. Retailers in wholesaler-sponsored voluntary * * *"

4. On the same page, third column, in the fifth line from the bottom of the page, the word "of" should read "or."

5. On page 11835, second column, some material was omitted from the first full paragraph. In the sixth line from the end of the paragraph, after "Rent for the location" add "is therefore paid not to the property owner but to the wholesaler." The word "if" in that line should then be capitalized.

6. On page 11836, third column, last paragraph, in the fourth line, the word "mane" should read "name."

BILLING CODE 1505-01-M

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

Correction

In FR Doc. 81-4963, published at page 12005 in the issue of Thursday, February 12, 1981, make the following corrections:

1. In page 12006, first column, fourteenth line, the word "an" should be changed to read "any".

2. On the same page, second column, under Proposed Notice I, in the second line, the word now reading "RITHTS" should be corrected to read "RIGHTS".

3. On page 12008, second column, eighth paragraph, in the third line from the end of the paragraph, the word "franchise" should read "franchisee".

4. On page 12010, second column, first full paragraph, in the second line, the word "define" should read "defined".

5. In that same paragraph, the next to the last line, the word "sale" should read "sales".

6. Also in that column, in the sixth full paragraph, second line, the word "and" should read "any".

7. In the same paragraph, ninth line, the word "by" should read "be".

8. In the third column on page 12010, in the sixth line from the top of the page, the word "term" should be inserted between "the" and "franchise broker".

9. In the same column, in the second full paragraph (appearing in smaller type), in the sixth and seventh lines, delete "within the intent to include 'franchise brokers'".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Speculative Position Limits; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: On December 2, 1980, the Federal Register published (45 FR 79831) the Commission's proposed Rule 1.61 that would require contract markets to establish speculative position limits on all commodity futures contracts not currently subject to exchange or Commission imposed limits. The comment period on that proposed rule expires on March 2, 1981.

The Commission has received requests for an extension of the comment period. Because the Commission wishes to ensure that all interested parties have an opportunity to complete and submit their comments, it has determined to allow an additional thirty days for public comment.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed Rule 1.61 (45 FR 79831, December 2, 1980) must be submitted by April 1, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Connolly, Chief Counsel, Division of Economics and Education, (202) 254-3821.

Issued in Washington, D.C. on February 17, 1981, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 81-5909 Filed 2-20-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-48-80]

Windfall Profit Tax; Qualified Disburser Election

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of proposed rulemaking by cross-reference to amended temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Internal Revenue Service is issuing temporary excise tax regulations that relax the requirements that must be met for disburser to undertake the responsibilities of the purchaser for purposes of administering the Crude Oil Windfall Profit Tax Act of 1980. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 24, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-48-80), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION: The amendments to the temporary regulations are published in response to public comment received after the temporary regulations, originally published on April 4, 1980 (45 FR 23384), were amended on January 19, 1981 (46 FR 4873). The preamble to the temporary regulations published on January 19, 1981 contained an initial regulatory flexibility analysis. Because these amendments to the regulations relieve certain restrictions on the availability of the qualified disburser election, a further regulatory flexibility analysis is unnecessary.

Comments and Public Hearing

Before the adoption of the final regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

The temporary regulations in the Rules and Regulations portion of this issue of the Federal Register amend part 150 of title 26 of the Code of Federal Regulations. The final regulations, which are proposed to be based on the

temporary regulations, would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 81-5961 (T.D. 7770) published in the Rules and Regulations portion of this issue of the Federal Register.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81-5962 Filed 2-18-81; 3:30 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 299

National Security Agency; Public Access to Records

AGENCY: National Security Agency.

ACTION: Proposed rule.

SUMMARY: This document amends 32 CFR Part 299 to conform with internal reorganization and revises Agency policy concerning the collection of fees. These proposed amendments serve three purposes. First, two office titles are being changed to reflect the new titles now utilized by this Agency. Second, the time limit for the submission of fee waiver appeals is being extended from 30 days to 45 days following receipt of a denial of a fee waiver request. Third, a revision to the Agency policy of fee collection provides for the payment of one half of the estimated fee prior to the initiation of any record search by this Agency. The intent of this revision is to preserve public funds by requiring partial payment in advance, thereby reducing the incidence of default by individuals upon completion of a costly search of records.

DATE: Comments must be received on or before April 24, 1981.

ADDRESS: Send comments to LCDR M. E. Bowman, JAGC, USN, National Security Agency, Fort George G. Meade, Maryland, 20755.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, (301) 688-6054.

For the reasons set out above, Part 299 of Title 32, Code of Federal Regulations, is proposed to be amended as follows:

§ 299.2 and 299.4 [Nomenclature change]

32 CFR Part 299 is amended by removing the words "Information Officer" and inserting, in their place, the words "Chief, Office of Policy" in the following places:

(a) 32 CFR 299.2

(b) 32 CFR 299.4 (a), (b) and (c)

§ 299.4 [Amended]

32 CFR 299.4(d) is revised to read as follows:

(d) *Fees.* The Chief, Office of Policy, will inform the requester of the estimated search and duplication fee, and will normally initiate the search upon receipt of one-half of this estimated fee. Upon completion of the search, the requester will be notified of the actual costs and will be requested to submit the balance due prior to further Agency action. Fees will be computed in accordance with the Uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

§ 299.5 [Nomenclature change]

32 CFR 299.5 is amended by removing the words "within 30 days" and inserting, in their place, the words "within 45 days"; removing the words "Executive for Staff Services" and inserting, in their place throughout the section, the words "Freedom of Information Act Appeals Authority"; removing the phrase " * * * of access issued by the Agency to the requester * * *"

32 CFR 299.6 is revised to read as follows:

§ 299.6 Effective date.

"This notice shall become effective upon (date of final rule publication in the Federal Register)."

(5 U.S.C. 552)

M. S. Healy,

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

February 18, 1981.

[FR Doc. 81-6031 Filed 2-20-81; 8:45 am]

BILLING CODE 3610-70-M

32 CFR Part 299a

National Security Agency; Privacy Act Systems of Records, Disclosures and Amendment Procedures, Specific Exemptions, National Security Agency

AGENCY: National Security Agency.

ACTION: Proposed rule.

SUMMARY: This document amends 32 CFR Part 299a to conform with U.S. Government and internal reorganizations, revises Agency policy with regard to collection of fees, and adds further citations to the statutory authority which provides for exemption of certain records from mandatory

disclosure. These proposed amendments serve three purposes. First, titles are being changed to conform with those currently used by both the Agency and the Federal Government. Second, the provision is added whereby duplication fees of \$30.00 or less will normally be waived. Third, further statutory citations are added, justifying the exemption of certain records from mandatory disclosure.

DATES: Comments must be received on or before April 24, 1981.

ADDRESSES: Send comments to: LCDR M. E. Bowman, JAGC, USN, Office of General Agency, National Security Agency, Ft. George Meade, MD 20755.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, 301-688-6054.

For the reasons set out above, Part 299a of Title 32, Code of Federal Regulations, is proposed to be amended as follows:

§ 299a [Amended]

In 32 CFR Part 299a, all references to "Civil Service Commission" and "CSC" are changed to read "Office of Personnel Management" and "OPM," respectively, throughout Part 299a.

In 32 CFR Part 299a, all references to "NSA Information Officer" and "Information Officer" are changed to read "Chief, Office of Policy" throughout Part 299a.

§ 299a.1 [Amended]

32 CFR 299a.1(b) is amended by removing the words "CSC—Retirement Life Insurance and Health Benefits Records System" and inserting in their place, the words "OPM/Central-1: Civil Service Retirement and Insurance Records."

§ 299a.7 [Amended]

32 CFR 299a.7(c) is amended by removing the words "Executive for Staff Services" and inserting, in their place, the words "Privacy Act Appeals Authority"; deleting the phrase ". . . Attention: Privacy Act Amendment Appeal."

§ 299a.8 [Amended]

32 CFR 299a.8 is amended by removing the words "Executive for Staff Services" and inserting in their place, the words "Privacy Act Appeals Authority."

§ 299a.9 [Amended]

32 CFR 299a.9 is amended by adding the following sentence at the end of the paragraph: "Duplication fees which do not exceed \$30.00 will normally be waived."

§ 299a.10 [Amended]

32 CFR 299a.10 is amended by adding to the "Authority" section of paragraphs (b)(6) and (b)(9) the following statutory cite "5 U.S.C. § 522a(k)(4)."

M. S. Healy,

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

February 18, 1981.

[FR Doc. 81-6022 Filed 2-20-81; 8:45 am]

BILLING CODE 3810-78-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Notice of intent to delay final rulemaking to elicit additional comments for sixty days.

SUMMARY: The Federal Emergency Management Agency is delaying a final rulemaking in respect to certain of FEMA's Proposed Rules on National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62 and 64, published in the *Federal Register* on November 25, 1980, at pp. 78181-78188 in order to provide for an additional comment period.

DATE: All comments received on or before April 15, 1981, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: H. Joseph Coughlin, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 451-7th Street SW., Room 5126, Washington, D.C. 20472, Telephone Number (202) 755-6580.

SUPPLEMENTARY INFORMATION: On November 25, 1980, (45 FR 78181) FEMA issued proposed rules to provide a broadening of coverage under the Standard Flood Insurance Policy, an increase in the basic deductible provisions, a reduction, on premium

amounts in excess of \$2,000, in the commissions payable to agents, an increase in the minimum premium payable to obtain a flood insurance policy and an insurance rating procedure involving the individual rating of structures in coastal high hazard areas to implement Section 9.11(e) of 44 CFR Part 9, which required such a rating system, effective February 1, 1981. Some of the proposed changes in the flood insurance coverage are substantive in nature. For example, the proposed rule would amend the Standard Flood Insurance Policy to provide, as an additional hazard mitigation tool, increased cost of construction coverage with which flood damaged single family residences not located in dangerous coastal high hazard areas or in floodways can be reconstructed after a flood to comply with improved construction practices in effect in the community by virtue of its participation in the National Flood Insurance Program. An enhanced replacement cost provision as to one to four family homes and definitive policy renewal provisions have also been proposed.

While comments were still being accepted and reviewed and given due consideration as late as January 16, 1981, thus providing an additional three weeks for comment review, the tenor of some of the comments received indicated that additional time for eliciting comments and conducting a policy review of many of the new initiatives proposed in the November 25, 1980, proposed rulemaking was in order.

Being anxious to benefit to the fullest extent possible by the comments of interested citizens and communities concerning the November 25, 1980, proposed rulemaking, FEMA is publishing, as a final rulemaking in the Rules section of this date's *Federal Register*, (see Table of Contents) only those rules proposed in November 25, 1980, which have to do with fiscal matters or which incorporate needed editorial matter into the program's existing rules. Matters not published as final rules at this time, but which are subject to an additional comment period through April 15, 1981, include revisions dealing with the individual risk rating system, the broadening of the coverage provisions of the Standard Flood Insurance Policy and the increase in the basic deductible provisions. Thus, the final rulemaking is being held in abeyance at this time to provide an additional sixty (60) days for comments and policy review. Accordingly, the docket in respect to FEMA's Proposed Rule on National Flood Insurance

Program, Coverage, Sales and Loss Prevention Provisions, 44 CFR Parts 59, 60, 61, 62 and 64, published in the Federal Register on November 25, 1980, at pp. 78181-78188 is being held open and all comments received on or before April 15, 1981, will be considered before final action is taken on any proposed rules contained in the November 25, 1980 publication not published as final in the Rules section of the Federal Register of this date. It should also be noted that, as to the deferral of the individual risk rating system proposed to implement 44 CFR Section 9.11(e), this action is consistent with and engendered by FEMA Amendment of Regulations, dated January 21, 1981, which amended 44 CFR Section 9.11(e)(2) by changing the date February 1, 1981, to May 1, 1981 (46 FR 9034, January 28, 1981).

Pursuant to this notice and pending expiration, on April 15, 1981, of the additional public comment period, FEMA does not intend to publish any final rules generated by the November 25, 1980, proposed rulemaking other than those published as final in the Rules section of the Federal Register of this date.

(42 USC 4001-4128; 44 CFR Part 9)

Dated: February 13, 1981.

Richard W. Krimm,

Acting Federal Insurance Administrator.

[FR Doc. 81-5086 Filed 2-20-81; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 333

[Docket No. FEMA-PP-333-11]

Peacetime Screening of Non-Federal Employees Who Are Members of the Military Reserve

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule applies to key non-Federal employees who are Ready Reservists. It establishes screening procedures to provide the maximum military force in the event of mobilization and at the same time assures effective functioning of State and local governments and defense-supporting and essential civil industries.

EFFECTIVE DATE: Comments are due on or before April 24, 1981.

ADDRESS: Send comments to Rules Docket Clerk, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Henry M. Hyatt, Federal Emergency Management Agency, Washington, D.C. 20472, telephone (202) 566-1476.

SUPPLEMENTARY INFORMATION: On March 27, 1979, in a related rule affecting Federal departments and agencies, the Federal Preparedness Agency, General Services Administration, published a circular (FPC-9) entitled "Federal employees who are members of the Military Ready Reserve." Subsequently, the functions of the Federal Preparedness Agency were transferred to the Federal Emergency Management Agency by Executive Order 12148 (44 FR 43239, effective July 15, 1979). This rule involves the Secretary of Defense and the Secretary of Transportation under Executive Order 11190, as amended by Executive Order 11382. It relates to DOD regulation 1200.7, Screening the Ready Reserve.

In connection with DOD Screening under 32 CFR Part 44, the part furnishes FEMA guidance to nonmilitary Federal departments and agencies, State and local governments, and defense-supporting and essential civil industries.

Accordingly, it is proposed to amend Subchapter E of Chapter 1 of Title 44 by adding new Part 333, "Peacetime Screening."

PART 333—PEACETIME SCREENING

- Sec.
- 333.1 Purpose and definitions.
- 333.2 Scope and applicability.
- 333.3 Policy.
- 333.4 Procedures.
- 333.5 Responsibilities.

Authority: Section 103 of the National Security Act of 1947, as amended (50 U.S.C. 404), Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*), Executive Order 12148 of July 20, 1979 (44 FR 43239), Executive Order 11190, as amended by Executive Order 11382.

§ 333.1 Purpose and definitions.

(a) Purpose. The Director, FEMA, after agreement with the Secretary of Labor and the Secretary of Defense, issues this Rule in support of FEMA's Memorandum of Understanding with DOD dated July 15, 1968, "Statement of Understanding Between the Department of Defense and the Office of Emergency Planning Relating to the Screening of Selected Military Ready Reservists Not Employed by the Military Departments or Agencies."

(b) Definitions:

Defense Supporting Industry—That portion of the industrial base of the United States needed to sustain a state of mobilization production to conduct general war or engage in limited conflicts.

Essential Civil Industry—Includes those businesses providing essential goods and/or services needed for the health and safety of the population.

Essential Activities—Includes both defense-supporting and essential civil industry.

Critical Occupations—Those occupations critical for the support of essential activities.

§ 333.2 Scope and applicability.

Key employees of a State, local government, defense-supporting and essential civil industry who are Ready Reservists need to be ascertained by DOD prior to any military mobilization. Upon mobilization, screening will stop and no deferment will be granted a Ready Reservist because of employment.

Employers of Reservists should determine if any perform key functions, and should develop plans and procedures to insure that these functions can be maintained by others in the event of a Ready Reserve mobilization.

§ 333.3 Policy.

Employees who are members of the Ready Reserve may be called into active military service in a national emergency. No deferment from mobilization shall be granted members of the Ready Reserve because of their civilian employment. Key civilian occupation needs must be recognized and planned for in order to accommodate employee reassignment, which may result from a call-up of the Ready Reserve.

§ 333.4 Procedures.

State and local governments, defense-supporting and essential civil industries shall identify all key employees who are members of the Ready Reserve, assess the impact on their organization of a call-up of Reservists in a mobilization of these employees, and use the following procedures as appropriate:

(a) Prepare other employees to assume the essential functions of Ready Reservists.

(b) Transfer the essential functions of Ready Reservists to other employees.

(c) Develop plans to fill positions vacated by Ready Reservists in a mobilization.

(d) Make other arrangements to have the essential functions of Ready Reservists performed.

(e) Use the criteria and procedures in Department of Defense Regulation 32 CFR Part 44 on a case-by-case basis to request that key employees be screened out of the Ready Reserve. These DOD procedures may be used only prior to mobilization. If mobilization is directed, these procedures will be terminated and

all members of the Ready Reserve will be subject to mobilization.

§ 333.5 Responsibilities.

Employers of Ready Reservists will notify the Armed Forces in order to determine if potential conflicts affecting their employees between military or civil duties warrant change in Ready Reserve status.

The Department of Labor, through appropriate national and regional offices, will be available to advise defense-supporting or essential civilian businesses on occupations that have been determined to be "Critical" to "Essential Activities" in support of a mobilization and to assist such businesses in substantiating their claims for essential civil positions through the development of local "Employment Stabilization Plans."

In all cases, 32 CFR Part 44 procedures shall pertain. If a firm's request for exemption from military duties is denied by DOD and should continued conflict between DOD and employers persist on essential civil employment, on the basis of criteria adopted jointly by DOC, DOD, DOL, and FEMA, then FEMA Regional Directors shall be delegated the responsibility to adjudicate differences.

Dated: January 27, 1981.

John W. McConnell,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-5906 Filed 2-20-81; 8:45 am]

BILLING CODE 6718-01-M

Notices

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

Intent to Prepare Environmental Impact Statement; Lake Tahoe Basin

Lake Tahoe Basin Land Acquisition Plan: Portions of the Eldorado, Tahoe and Toiyable National Forests Administered by the Lake Tahoe Basin Management Unit; includes lands within El Dorado, Alpine and Placer Counties, California and Washoe and Douglas Counties, and Carson City Nevada.

The U.S. Department of Agriculture, Forest Service, will prepare an environmental impact statement for the acquisition of environmentally sensitive land within the Lake Tahoe Basin as defined and authorized in H.R. 7306 (Santini-Burton Act) passed by the 96th Congress on December 8, 1980, and signed into law by the President on December 23, 1980.

A plan and map are being prepared to identify the environmentally sensitive lands involved. The environmental analysis will identify alternatives and analyze effects of implementing the alternatives. A range of alternatives will be considered. One of these will be no acquisition of these lands. Other alternatives will respond to issues and concerns associated with this action.

All individuals, organizations, Federal, State and local agencies who may be interested in or affected by the decision are invited to participate in the scoping process, which includes: (a) identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; (c) elimination of insignificant issues, (d) possible alternatives to be considered, and (e) related actions. The scoping meetings will be held by the Forest Service as follows:

Monday, March 2, 1981, 2-4:30 p.m.; 7-9:30 p.m., Public Employees Retirement System Bldg., 693 W. Nye Lane, Carson City, Nevada

Thursday, March 5, 1981, 2-4:30 p.m.; 7-9:30 p.m., Country Club Chateau, Fairway Blvd. off Northwood Blvd., Incline Village, Nevada

Wednesday, March 11, 1981, 2-4:30 p.m.; 7-9:30 p.m., State Resources Bldg., 1416 Ninth St., Sacramento, CA

Friday, March 13, 1981, 2-4:30 p.m.; 7-9:30 p.m., Vagabond Motel Conference Room, Highway 50 at Ski-Run Blvd., So. Lake Tahoe, CA

A draft environmental impact statement will be distributed about July 1, 1981. It will display the various alternative plans analyzed including a preferred alternative. Following a minimum 60-day public review period, a plan will be selected and a final environmental impact statement will be prepared and distributed in November 1981.

Mr. John R. Block, Secretary of Agriculture, is the responsible official.

For further information about the planning project or the availability of planning documents, contact Jon Hoefer, USDA-Forest Service, Lake Tahoe Basin Management Unit, P.O. box 8465, 1052

Federal Register

Vol. 46, No. 35

Monday, February 23, 1981

Tata Lane, South Lake Tahoe, California 95731.

Dated: February 13, 1981

R. Max Peterson,
Chief.

[FR Doc. 81-5890 Filed 2-20-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Week ended February 13, 1981.

In the matter of notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.).

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Feb. 12, 1981	39294	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing it to engage in scheduled air transportation between a point or points in the United States, on the one hand, and points in Thailand and Singapore, on the other. Conforming applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb. 12, 1981	39296	Jet Fleet Corporation, 8605 Lemmon Avenue, Dallas, Texas 75209. Application of Jet Fleet Corporation pursuant to Section 401(d)(1) of the Act, Parts 201 and 204 of the Board's Regulations and Order 81-1-14, requests a certificate of public convenience and necessity to engage in charter transatlantic cargo air transportation. Conforming applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb. 12, 1981	39297	International Travel Arrangers, Inc., c/o Stephen D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW, Washington, D.C. 20036. Application of International Travel Arrangers, Inc. pursuant to Section 401(d)(1) of the Act, Parts 201 and 204 of the Board's Regulations and Order 81-1-14, requests a certificate of public convenience and necessity to engage in charter transatlantic cargo air transportation. Conforming Applications, motions to modify scope, and answers may be filed by March 12, 1981.
Feb. 13, 1981	39307	Sea Airmotive, Inc., P.O. Box 6003, Anchorage, Alaska 99502. Application of Sea Airmotive, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity to authorize the air transportation of persons, property and mail over the following new segment: Between the terminal point Aleknagik, the intermediate points Clarks Point, Dillingham, Eggek, Ekuk, Ekwoik, Igugig, King Salmon, Kodiak, Koliganek, Levelock, Manokotak, Naknek, New Stuyakok, Pilot Point, Portage Creek, Queen, San Juan, South Naknek, Togiak, and the terminal point Ugashik. Conforming Applications, motions to modify scope, and answers may be filed by March 13, 1981.

Phyllis T. Kaylor,
Secretary.

FR Doc. 81-5882 Filed 2-20-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION**Georgia Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:30 pm, on March 13, 1981, at the Atlanta Marriott, Courtland and International Boulevard, Hermitage Room, Atlanta, Georgia 30303, the purpose of this meeting is to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Edward E. Elson, 65 Valley Road, Atlanta, Georgia 30305, (404) 691-2800; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-5942 Filed 2-29-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE**International Trade Administration****Bicycle Tires and Tubes From Korea; Preliminary Results of Administrative Review of Antidumping Finding**

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on bicycle tires and tubes from Korea. The review covers four of the five known exporters of this merchandise to the United States. The review covers separate time periods for each exporter up to March 31, 1980. This review indicates the existence of dumping margins in each period for all four exporters. The Department is currently conducting a review of the fifth exporter.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and purchase price on each of their shipments occurring during

the covered periods. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Fargo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3020).

SUPPLEMENTARY INFORMATION:**Procedural Background**

On April 13, 1979, a dumping finding with respect to bicycle tires and tubes from Korea was published in the *Federal Register* as Treasury Decision 79-115 (44 FR 22051-2). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new Title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative review of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on bicycle tires and tubes from Korea. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of bicycle tires and tubes from Korea. The term "bicycle tires and tubes" means pneumatic bicycle tires and tubes, of rubber or plastics, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes are currently classifiable under items 772.4800 and 772.5700, respectively, of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of five exporters to the United States of Korean bicycle tires and tubes. This review covers four of them from the date of suspension of liquidation for each company up to March 31, 1980, during which shipments of bicycle tires and tubes may have been made to the United States. Different time periods are involved for different companies. The Department is currently conducting a review of the fifth company.

United States Price

In calculating United States price the Department used purchase price, as

defined in section 772(b) of the Tariff Act and section 203 of the 1921 Act, since all sales were made to unrelated purchasers.

In this case purchase price was calculated on the basis of either the F.O.B. or C & F, packed price to unrelated purchasers in the United States. Where applicable, deductions were made for inland freight, ocean freight, customs brokerage charges, wharfage, and commissions. An addition was made for foreign customs duties, a defense tax, and a value-added tax incurred on raw materials rebated by reason of the exportation of the merchandise to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price for three companies, as defined in section 773(a) of the Tariff Act and section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market by them to provide a basis for comparison. Each company sold in the home market at least 9.5 percent of total sales, and at least 11.3 percent of sales for export to countries other than the U.S., during the periods covered. The Department used third-country price (Canada) for the fourth company, as defined in section 773(b) of the Tariff Act and section 205 of the 1921 Act, since such or similar merchandise was not sold by it in the home market. The home market prices and third-country prices are based on delivered or F.O.B. prices to unrelated purchasers in the home market or third country, with adjustments for inland freight, rebates, bonuses, commissions, insurance, and packing differentials, where applicable. Claims made for interest costs associated with delayed payment on home market sales, and for advertising, bad debt and entertainment expenses, were not allowed because the respondents presented insufficient information to justify those adjustments. In general, the respondents did not show that such costs were attributable to bicycle tires and tubes, nor did they show that those expenses were limited to the home market. Furthermore, they did not prove that such expenses were directly related to the sales under consideration, rather than general-overhead expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Korean exporter	Time period	Margin (per-cent)
Dae Yung Commercial Co., Ltd.	3/1/78-12/31/78	5.75
	1/1/79-3/31/80	1.11
Hung-A Industrial Co., Ltd.	4/1/78-12/31/78	3.62
	1/1/79-3/31/80	2.22
Korea Inoue Kasai Co., Ltd.	4/1/78-12/31/78	1.11
	1/1/79-3/31/80	7.78
Shin Hung Rubber Co., Ltd.	1/1/79-3/31/80	6.66

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication on the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5871 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Birch 3-Ply Doorskins From Japan; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covers sixteen exporters of this merchandise to the United States and covers separate time periods for each

exporter up to January 31, 1980. This review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the covered periods. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Michael P. Galbraith, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3873).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 18, 1976, a dumping finding with respect to 3-ply birch doorskins from Japan was published in the *Federal Register* as Treasury Decision 76-48 (41 FR 7389). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published a notice of intent to conduct administrative reviews of all outstanding dumping findings in the *Federal Register* of March 28, 1980 (45 FR 20511-20512).

As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on 3-ply birch doorskins from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440 and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of sixteen exporters to the United States of

Japanese birch 3-ply doorskins purchased from eight manufacturers. Except for those exporters and time periods listed below, this review covers all exporters for all periods up to January 31, 1980, during which shipments of birch 3-ply doorskins may have been made to the United States and for which appraisal instructions ("master lists") have not been issued. Therefore, different time periods are involved for different companies. The exporters for the time periods below are not covered by this review:

(1) Nichimen Co., Ltd.	1/1/79-1/31/80
(2) C. Itoh & Co., Ltd. (purchases from all manufacturers except Nitta Veneer Co., Ltd.)	1/1/79-1/31/80
(3) Toyo Menka Kaisha, Ltd.	1/1/79-1/31/80
(4) Associated Lumber & Trading Co., Ltd.	1/1/80-1/31/80
(5) Mitsui & Co., Ltd.	1/1/80-1/31/80
(6) Nishio-Iwai Co., Ltd.	1/1/80-1/31/80

These exporters for these respective periods will be covered in a subsequent notice. The estimated antidumping duty deposit rate for these firms will be based on the most recent of the margins calculated in the present review for each firm.

Six companies stated that they did not export birch 3-ply doorskins during the review period:

- (1) Kiyosato Rinsan Co., Ltd.
- (2) Keisei Lumber Co., Ltd.
- (3) Yuasa Trading Co., Ltd.
- (4) Fujikawa Veneer Co., Ltd.
- (5) Okura & Co., Ltd.
- (6) Iwakura Gumi Lumber Co., Ltd.

The estimated deposit rate for these companies is based on the most recent information for each firm. The rate will be the one published in the most recent master list for each firm.

Tokiwa Plywood Co., Ltd. and Kitami Industry Co., Ltd. are known to have ceased production of birch doorskins and are therefore not covered by this review.

The degree of specificity found in the responses varied widely. When information proved insufficient, we used the best information available.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act or section 203 of the 1921 Act, since all sales were made to unrelated purchasers. Purchase price was calculated on the basis of the F.O.B. or C.I.F. duty paid, packed price to an unrelated purchaser in the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, shipping charges, inland freight, brokerage charges, U.S. duty, and loading charges.

An adjustment was also made to reflect actual sales price when a quantity allowance was made by the seller for "free-trim" in excess of the invoice quantity. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used constructed value as defined in section 773(e) of the Tariff Act or section 206 of the 1921 Act, since all manufacturers indicated that insufficient quantities of 3-ply birch doorskins were sold by manufacturers in the home market or in third countries at prices at or above the cost of production. During the current review period, virtually all birch 3-ply doorskins produced by the eight manufacturers were exported to the United States.

Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials, labor and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

The Department rejected various claims regarding the production cost differentials occurring among certain types and sizes of birch doorskins because supporting data were insufficient to assess the accuracy of such differentials. Instead, whenever possible, the Department estimated these differentials by using detailed production cost data provided by one of the manufacturers in an earlier period, which disaggregated the various cost components of producing most types and sizes of birch doorskins. The Department has applied these estimated production cost differentials to each firm's unit cost of producing the standard type of birch doorskin when such an average could be determined.

When the Department could not accurately determine the quantities of each type or size of merchandise sold by a manufacturer to the exporters, the Department used the manufacturer's average production cost as the unit cost of producing the standard birch doorskin, adjusting this unit cost by the same estimated differentials to determine the production costs of different types and sizes. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Japanese exporter	Time period	Margin (percent)
1. Associated Lumber & Trading Co., Ltd. (Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78-12/29/78	.....
2. Nissho-Iwai Co., Ltd. (Mfr.—Matsumoku Industries, Ltd.)	12/30/78-12/31/79 1/1/79-12/31/79	4.55 2.75
(Mfr.—Saitsumaru Veneer Co., Ltd.)	1/1/78-12/31/78	2.75
3. Nichimen Co., Ltd.	1/1/78-12/31/78	.....
4. Shingu Shoko, Ltd.	1/1/78-12/31/78 1/1/79-1/31/80	..... 1
5. Mitsubishi Corp. (Mfr.—Saitsumaru Veneer Co., Ltd.)	1/1/79-1/31/80	2.0
(Mfr.—Marutama Industries Co., Ltd.)	1/1/79-1/31/80	.....
6. C. Hoh & Co., Ltd. (Mfr.—Matsumoku Industries, Ltd.)	1/1/78-12/31/78	0.25
(Mfr.—Nitta Veneer Co., Ltd.)	1/1/78-12/31/78	0.92
(Mfr.—Nitta Veneer Co., Ltd.)	1/1/79-12/31/79	.....
(Mfr.—Showa Lumber Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Saitsumaru Veneer Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78-12/31/78	17.0
7. Mitsui & Co., Ltd. (Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/77-12/31/77 1/1/78-12/31/78	..... 3.1
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78-12/31/78 1/1/79-12/31/79	..........
(Mfr.—Matsumoku Industries Ltd.)	1/1/78-12/31/78 1/1/79-12/31/79	..... 2.9
(Mfr.—Marutama Industries Ltd.)	1/1/81-12/31/78 1/1/78-12/31/79	..........
8. Ikeuchi Industry Co., Ltd.	1/1/78-12/31/78 1/1/79-1/31/80	..... 1.83
9. Toyo Menka Kaisha, Ltd. (Mfr.—Nitta Veneer Mfg. Co., Ltd.)	1/1/78-12/31/78	16.0
(Mfr.—Marutama Industries Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Saitsumaru Veneer Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Teshiogawa Lumber Co., Ltd.)	1/1/78-12/31/78	.....
(Mfr.—Sanmoku Lumber Co., Ltd.)	1/1/78-12/31/78	2.5
10. Nitta Veneer Mfg. Co., Ltd.	1/1/78-12/31/78 1/1/79-1/31/80	9.01 19.0
11. Kyosato Rinsan Co., Ltd.	1/1/78-1/31/80	20.85
12. Keisei Lumber Co., Ltd.	1/1/78-1/31/80	1
13. Yuasa Trading Co., Ltd.	1/1/79-1/31/80	1
14. Fujikawa Veneer Co., Ltd.	1/1/79-1/31/80	1
15. Okura & Co., Ltd.	7/1/79-1/31/80	11.75
16. Iwakura Gumi Lumber	4/1/79-1/31/80	17.2

¹ No shipments during this period.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the time periods involved. Individual differences between United States price

or purchase price and foreign market value or constructed value may vary from the percentages stated above. The Department will issue appraisal instructions separately on each exporter directly to the Customs Service.

Further, as required by 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C.1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 81-5672 Filed 2-23-81; 8:45 am]

BILLING CODE 3510-25-M

Elemental Sulphur From Mexico; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Mexico. The scope of the review covers the three known exporters of this merchandise to the United States. The review covers separate time periods for each exporter and indicates the existence of dumping margins for two exporters and no margins for the third.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and purchase price on each of their shipments occurring during the covered periods. Where no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 28, 1972, a dumping finding with respect to elemental sulphur from Mexico was published in the *Federal Register* as Treasury Decision 72-179 (37 FR 12727). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on elemental sulphur from Mexico. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of elemental sulphur. Basically, there are two types of sulphur, "bright" and "dark". Chemically these two types are almost equal, the dark sulphur being discolored by certain hydrocarbon impurities. The greatest single use of sulphur is in the manufacture of sulphuric acid. In elemental form or as sulphuric acid it enters into the production or processing of hundreds of products. Among the most important are fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon, film, iron and steel, dyestuffs, vulcanized and synthetic rubber, insecticides, fungicides, fuels and explosives. Elemental sulphur is currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three firms which export sulphur directly to the United States. One of the three, Azufrera Panamerica, S.A., also exports sulphur produced by Pemex. On January 5, 1978, Azufrera was excluded from the finding; however, appraisement instructions ("master lists") for one shipment in 1972 have not been issued. The present review completes consideration of Azufrera through the date of its exclusion. On June 13, 1979, a tentative revocation was published for the second firm, Compania Exploradora

del Istmo, S.A. (CEDI). The Department will take no further action at this time on the revocation since CEDI has not provided the requested written agreement required by section 353.54(e) of the Commerce Regulations.

This review covers two time periods for CEDI up to June 13, 1979, the date of the tentative revocation. Master lists have been issued for the periods not covered by this review and there are no known unliquidated entries for CEDI for those periods. The third firm, Agro Centro, S.A., failed to respond to the Department's questionnaire. For this non-responsive exporter we will use the best information available, which is the highest fair value rate for the firms investigated.

Purchase Price/Exporter's Sales Price

The Department used purchase price for Azufrera and Agro Centro, as defined in section 203 of the 1921 Act, and exporter's sales price for CEDI, as defined in section 204 of the 1921 Act. Purchase price was calculated on the basis of the F.O.B. or C.I.F. price to an unrelated purchaser in the United States. Exporter's sales price was calculated on the basis of the delivered price to an unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, shipping charges, U.S. and foreign inland freight, brokerage and port charges, export tax, U.S. duty, U.S. selling expenses, and terminal charges. We added that portion (50%) of the export tax that was rebated by the Mexican Government. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. The one responding producer sold over 35% of its total production in the home market. The home market prices are based on delivered prices with adjustments for blending and filtering costs and bulk handling, where applicable. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price or exporter's sales price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Time period	Margin (per cent)
Azufrera Panamerica, S.A. — Compania Exploradora del Istmo, S.A. —	2/72	11.5686
	11/25/71-12/31/73	
	1/1/79- 6/13/79	
Agro Centro, S.A. —	*1/1/77- 5/31/80	33

* The margin for the one remaining unliquidated entry dated prior to Azufrera's exclusion.
* Agro Centro made no entries during the 1980 portion of the period reviewed.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates as appropriate during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review. Since Azufrera has been excluded from the finding, there will be no cash deposit requirement for this firm.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5873 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Railway Track Maintenance Equipment From Austria; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covers the only known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, Linz, Austria, and is limited to two product lines, ballast regulators and tamping machines. The review covers two time periods up to December 31, 1979. This review indicates the existence of a *de minimis* margin of 0.13% for the first time period and no shipments for the second time period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between constructed value and exporter's sales price on shipments occurring during the first time period. Because of the *de minimis* nature of the calculated margin, the Department has also preliminarily determined not to require estimated cash deposits for shipments entered after the date of publication of the final results of this review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On February 17, 1978, a dumping finding with respect to railway track maintenance equipment from Austria was published in the *Federal Register* as Treasury Decision 78-61 (43 FR 6937). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on railway track maintenance equipment from Austria. The substantive provisions of the 1921

Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Any other types of machinery used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 692.2000 of the Tariff Schedules of the United States Annotated (TSUSA). Plasser & Theurer, GmbH, is the only known exporter to the United States of Austrian railway track maintenance equipment. This review covers two separate time periods, May 10, 1977 (the date of suspension of liquidation during the fair value investigation) through December 31, 1977, and January 1, 1978, through December 31, 1979. For the latter period, there were no known shipments to the United States.

Exporter's Sales Price

The Department used exporter's sales price, as defined in section 204 of the 1921 Act, since all sales were made to a U.S. firm related to the manufacturer within the meaning of section 207 of the 1921 Act. In this case, exporter's sales price was calculated on the basis of the related U.S. firm's selling price to unrelated U.S. purchasers, with deductions for ocean freight, insurance, foreign inland freight, U.S. duty, brokerage & handling, U.S. inland freight, and selling and technical expenses. Deductions were also made, where applicable, for volume discounts, cash discounts, and any increase in value resulting from further manufacture or assembly performed on the imported merchandise after importation and prior to its sale to the unrelated purchaser. No other adjustments were claimed or allowed.

Constructed Value

The Department used constructed value, as defined in section 206 of the 1921 Act, since there are no sales of such or similar merchandise in the home market, and there are large numbers of functional as well as design differences between machines produced for export to the U.S. and those produced for export to third countries that distort the value of the machines and make them not comparable. The constructed value was calculated on the basis of the sum of the cost of materials and fabrication of the merchandise, an amount for general expenses not less than 10% of the cost of materials and fabrication, an amount for profit not less than 8% of the

sum of such general expense and cost related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration, and the cost of all containers and coverings used to pack the merchandise ready for shipment to the U.S.

Results of Review

As a result of our comparison of exporter's sales price to constructed value, we preliminarily determine that the following margins exist:

Time period	Margin (per cent)
May 1, 1977 through Dec. 31, 1977	0.13
Jan. 1, 1978 through Dec. 31, 1979 ¹	0.13

¹ No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where appropriate, on all entries during the period. Individual differences between exporter's sales price and constructed value may vary from the percent stated above. The Department will separately issue appraisal instructions directly to the Customs Service. Because there is a *de minimis* margin for the last known shipments, the Department shall not require a cash deposit, as defined in section 353.48(b) of the Commerce Regulations, on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5074 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From France, Belgium and the Federal Republic of Germany; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany. The review covers the 13 known exporters and transshippers of this merchandise to the United States and covers the time period February 12, 1979 through May 31, 1980 for each firm. The review has disclosed no imports of sugar from the three countries and no known unliquidated entries during that time.

As a result of this review, the Department has preliminarily decided to require cash deposits equal to the calculated dumping margins on the last known shipments for which margins have been found. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 13, 1979, a dumping finding with respect to sugar from France, Belgium, and the Federal Republic of Germany was published in the *Federal Register* as Treasury Decision 79-167 (44 FR 33878). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by sections 751 of the Tariff Act, the Department has conducted an administrative review of the finding on sugar from France, Belgium, and the Federal Republic of Germany. The

substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of Review

Imports covered by this review are shipments of sugar, both raw and refined, currently classifiable under item numbers 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 13 exporters and transshippers to the United States of sugar from France, Belgium, and the Federal Republic of Germany. The review covers the period February 12, 1979 (the date of suspension) through May 31, 1980.

Preliminary Results of the Review

Our review shows no shipments or transshipments of sugar from France, Belgium, and the Federal Republic of Germany during the period of review. There are no known unliquidated entries. The Department used fair value weighted-average margins as the best information available.

Shippers	Margins ¹ (per-cent)
France	
S.A. Ancienne Maison Marcel Bauche	102
Societe Beghin Say S.A.	102
Societe Jean Lion	102
Generale Sucriere	102
CIE Commerciale Sucre et Denrees	102
Belgium	
Raffinerie Tirlemontoise S.A.	103
Societe pour l'Exportation des Sucres	103
Federal Republic of Germany	
Suddeutsche Zucker AG	121
Pfeifer & Langen	121
Braunschweiger AG	121
August Topfer & Co.	121
Transshippers	
E.D. & F. Man, Ltd. ²	
C. Czarnikow, Ltd. ²	

¹ No shipments during current period.

² London, England, rate based on country of origin.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit of 102%, 103%, and 121% of the entered value, based upon the margins calculated above, shall be required on all shipments from France, Belgium, and the Federal Republic of Germany, respectively, entered, or

withdrawn from warehouse, for consumption on or after the date of publication of the final results. The cash deposit shall be reduced by the amount of any countervailing duty cash deposit (for an export subsidy) required at the time of entry. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald

Deputy Assistant Secretary for Import Administration.

[FR Doc. 8075 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From France; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The scope of this review is limited to the only known producer of fiber exported to the United States and to the period November 16, 1978 through February 29, 1980. Neither the producer nor its exporter provided adequate information for analysis. Use of the best information available has resulted in the preliminary determination to assess dumping duties based on information acquired during the fair value investigation. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 21, 1979, a dumping finding with respect to viscose rayon staple fiber from France was published in the *Federal Register* as Treasury Decision 79-88 (44 FR 17156-7). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the

authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act of 1930 ("the Act"), the Department has conducted an administrative review of the finding on viscose rayon staple fiber from France.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known French exporter to the United States is Achille Bayart et Cie. The only known producer is Rhone-Poulenc Textile. The review covers the time from suspension of liquidation, November 16, 1978, through the anniversary date of the finding, February 29, 1980.

The producer, Rhone-Poulenc Textile stated that it did not export viscose rayon staple fiber to the United States. Achille Bayart et Cie stated that it made no direct sales of viscose rayon staple fiber to the United States from June 1, 1979 through February 29, 1980. However, the Department has records of exports of viscose rayon staple fiber from Achille Bayart et Cie. The Department therefore used the best information available to determine dumping margins. The best information is the fair value rate.

In addition, the producer feels that its product is not covered by the scope of the finding. The Department has examined the fiber subject to the review and determined that exports are subject to the antidumping duty finding.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that all viscose rayon staple fiber from France purchased during the period November 16, 1978 through February 29, 1980 shall be assessed dumping duties of 24 percent of the ex-factory, packed purchase price.

Interested parties may submit written comments on these preliminary results on or before March 25, 1981 and may request disclosure and/or a hearing on or before March 10, 1981. The

Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess duties on all entries made with purchase dates during the time period involved. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties of 24 percent, based on the fair value weighted-average margin for Rhone-Poulenc, shall be required on all shipments of fiber produced in France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5876 Filed 2-20-81; 8:45 am]
BILLING CODE 3510-25-M

Articles of Quota Cheese; Annual Listing of Foreign Government Subsidies

Correction

In FR Doc. 81-5289, published at page 12528, on Tuesday, February 17, 1981, on page 12529, in the first column, in "Appendix—Quota Cheese Subsidy Programs", in the third line under the entry for "Finland", in the "Cross Subsidy" column "1.07" should be corrected to read "\$1.07".

BILLING CODE 1505-01-M

[Order No. 41-1 (Amendment 1); D.O.O. Reference 10-3, 40-1]

Director General of the Foreign Commercial Service; Organization and Function Order

Subject: International Trade Administration.

Effective date: January 16, 1981.

ITA Organization and Function Order 41-1 (45 FR 11862) is amended to reflect the revised reporting relationships of the Director General of the Foreign Commercial Service. The Director General reports directly to the Under Secretary for International Trade for matters of an institutional or

administrative nature and reports and is responsible to the Assistant Secretary for Trade Development with regard to delivery of services in support of trade development programs. In addition, the order is amended to establish the office of Trade Information Services reporting to the Deputy Assistant Secretary for Export Development.

1. Part I, Section 1.02 is amended to read:

".02 This order also delegates authorities from the Under Secretary for International Trade to the Deputy Under Secretary for International Trade, the Assistant Secretaries for Trade Development, Trade Administration and International Economic Policy and the Director General of the Foreign Commercial Service. Department Organization Order 10-3 prescribes the scope of authority of the Under Secretary."

2. Part II, Section 1 is amended to delete Subparagraphs .01 b and c.

3. Part II, Section 2 is amended to read as follows:

Section 2. Organization and Functions

.01 The Deputy Under Secretary for International Trade ("the Deputy Under Secretary") shall serve as the principal deputy to the Under Secretary, perform such duties as the Under Secretary shall assign and perform the functions of the Under Secretary in the latter's absence. The Deputy Under Secretary shall provide advice and assistance to the Under Secretary and congressional liaison for ITA in coordination with the Assistant Secretary for Congressional Affairs. The Deputy Under Secretary shall be responsible for day-to-day management of ITA.

.02 The Office of the Deputy Under Secretary includes the *Director of Administration* who shall be the principal advisor to the Under Secretary and the Deputy Under Secretary on management policy for the International Trade Administration. The Director of Administration shall direct the ITA Equal Employment Opportunity Program and shall direct the following offices:

a. The *Office of Personnel* shall develop and administer ITA personnel management programs including recruitment, placement, employee development, classification, labor-management relations, equal employment opportunity, and employee relations and provide liaison with the Department Office of Personnel;

b. The *Office of Management and Systems* shall provide management, organization and systems analysis, including management studies and surveys and organizational planning studies; coordinate program evaluation,

coordinate ADP systems development, perform the committee management, directives management, records management, forms management, files management, correspondence management and reports management functions for ITA; coordinate GAO and Departmental audits; coordinate activity under the Freedom of Information Act and the Privacy Act of 1974; maintain boycott reports for public inspection; and provide liaison with the Departmental Office of Organization and Management Systems and the Office of Information Management;

c. The *Office of Administrative Support* shall provide administrative and support services for ITA including physical and document security and related matters, travel, safety, correspondence control, and space management; and provide procurement liaison consistent with any administrative agreements between the Under Secretary for International Trade and the Assistant Secretary for Administration;

d. The *Office of Budget* shall formulate, present, execute and assess program effectiveness of the ITA budget; effect financial and budgetary controls; prepare budget reports; and provide liaison with the Departmental Office of Budget and Program Evaluation;

e. The *Office of Public Affairs* shall advise on all public affairs and information service matters; provide ITA centralized information services, conduct and be responsible for all publications programs, consonant with the provisions of Department Organization Order 20-9, "Office of Publications"; provide speech writing and scheduling services; coordinate all audiovisual, exhibit, and advertising activities; maintain liaison with the Departmental Office of Publications, the Departmental Office of Public Affairs and the news and trade media consonant with the provisions of Department Organization Order 15-3, "Office of Public Affairs"; and publish *Business America* magazine.

4. Part V, Section 1.01g, is added to read:

"g. The trade promotion and commercial functions transferred to the Secretary from the Secretary of State or the Department of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 of January 2, 1980, as necessary to the direction of trade development programs delivered through the Foreign Commercial Service."

5. Part V, Section 2.01a is revised, as follows:

"a. The *Office of Export Marketing Assistance* shall develop programs

designed to foster an export consciousness in the United States; identify and attract to exporting U.S. companies that do not export and assist U.S. companies to export to their full potential; inform U.S. companies of export methods benefits and opportunities; develop and carry out programs to attract small and minority businesses to exporting; assess industry's needs for promotional assistance and marketing information through contacts with trade associations, experienced exporters, government entities and individual U.S. companies; assist firms in the resolution of trade complaints; assist U.S. companies to compete for major infrastructure and industrial systems contracts and other major trade opportunities; attract foreign buyers to U.S. trade shows and assist foreign buyers to meet with appropriate U.S. producers; and facilitate foreign direct capital investments and licensing by foreign firms in the U.S."

6. Part V, Section 2.01e is added, as follows:

"e. The *Office of Trade Information Services* shall develop and implement the Worldwide Information and Trade System (WITS); collect, maintain and provide information about the U.S. and foreign trading communities; assist U.S. exporters to identify specific foreign sales representatives, distributors, licensors and direct purchase customers; and collect and disseminate information on specific foreign trade leads."

7. Existing Part VI is renumbered Part VII and a new Part VI is added, as follows:

"Part VI. Foreign Commercial Service

Section 1. Delegation of Authority

.01 Pursuant to the authority delegated to the Under Secretary by the Secretary of Commerce, and subject to such policies and directives as the Under Secretary may prescribe, the Director General of the Foreign Commercial Service is hereby delegated the authority of the Under Secretary under:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.* 15 U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States, and related provisions;

b. Effective April 1, 1980, the trade promotion and commercial functions transferred to the Secretary from the Department of State or the Secretary of State by section 5(b)(1) of Reorganization Plan No. 3 of 1979, and Executive Order 12188 of January 2, 1980; and

c. The authorities of the Secretary of State under the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) to be replaced, effective February 15, 1981, by the Foreign Service Act of 1980, and under such other laws the exercise of which are authorized to the Secretary and under Section 5(b)(2) of Reorganization Plan No. 3 of 1979 and by section 1-104 of Executive Order 12188 of January 2, 1980.

.02 Except as otherwise provided, the Director General may redelegate the above authorities, subject to such conditions in the exercise of such authorities as he or she may prescribe.

Section 2. Organization and Functions

The *Foreign Commercial Service* is headed by *Director General* who reports to the Under Secretary and is responsible for administrative management of the Foreign Commercial Service, including development and implementation of policies determining the recruitment, appointment, assignment, evaluation and career development of officers in the Foreign Commercial Service. The Director General Administers the overseas network in ITA for resolving any Foreign Commercial Service post resource conflicts ITA program activities may impose. The Director General also serves as the ITA representative to other U.S. agencies for administrative and management issues affecting the Foreign Commercial Service. For activities relating to the delivery of services in support of the Department's trade development programs, the Director General reports and is responsible to the Assistant Secretary for Trade Development. The Director General directs the following elements:

a. The *Office of Resources Management* shall determine and carry out overall administrative support policies for the FCS including long-term planning and policy for recruitment, appointment, assignment, evaluation, career development and other personnel issues affecting the FCS; and shall carry out administrative management activities for the FCS including oversight of the State Department's shared administration support and activities.

b. The *Office of Operations Planning and Coordination* shall provide oversight and coordination for the workload planning process; represent the FCS overseas in workload management, program and operational policies, and relationships with ITA and other agencies; and provide budget and fiscal planning and control.

c. The *FCS Overseas* shall be responsible for promotion of U.S.

commercial interests abroad; implementing the full range of the Department's overseas commercial programs and activities, including those administered by ITA, other Commerce agencies, and other U.S. Government agencies; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas personnel.

Robert E. Herzstein,

Under Secretary for International Trade.

[FR Doc. 81-5047 Filed 2-20-81; 8:55 am]

BILLING CODE 3510-25-M

[Order No. 41-6; D.O.O. Reference 10-3, 40-1]

Director General of the Foreign Commercial Service, Organization and Function Order

Subject: The Foreign Commercial Service.
Effective date: January 16, 1981.

Part I. Effect on Other Orders

This order supersedes Part III, Section 2 of ITA Organization and Function Order 41-2 of April 28, 1980. (45 FR 38427)

Part II. Purpose

This order delegates authorities from the Director General of the Foreign Commercial Service ("the Director General") to employees of the Foreign Commercial Service (FCS); prescribes the internal organization and assignment of functions of the FCS and describes the reporting relationships between the Director General and the Under Secretary for International Trade ("the Under Secretary") and the Assistant Secretary for Trade Development.

Part III. Organization, Lines of Authority and Principal Functions

Section 1. Organization and Lines of Authority

.01 The internal organization structure for the FCS shall be as depicted in the attached organization chart.¹

.02 The Director General shall report and be responsible to the Under Secretary for all matters of a management or administrative nature, including, but not limited to, the establishment and structure of the FCS, the operation of its personnel system and authorities, and other support operations.

.03 The Director General shall report and be responsible to the Assistant Secretary for Trade Development for activities relating to the delivery of

services in support of the Department's trade development programs, including achievement of marketing and export promotion goals and country planning programs.

Part IV. Director General of the Foreign Commercial Service

Section 1. Delegation of Authority

Pursuant to the authorities delegated to the Director General by the Under Secretary, and subject to such policies and directives as the Director General may prescribe, the Director, Office of Resources Management and the Director, Office of Operations Planning and Coordination are delegated such portions of the following authorities as are necessary to the performance of their functions:

a. The Act of February 14, 1903, as amended (15 U.S.C. 1512 *et seq.*; 15 U.S.C. 171, *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States, and related provisions;

b. The trade promotion and commercial functions transferred to the Secretary from the Secretary of State or the Department of State by Section 5(b)(1) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 of January 2, 1980; and

c. The authorities of the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) to be replaced, effective February 15, 1981, by the Foreign Service Act of 1980, and such other laws, the exercise of which are authorized to the Secretary under section 5(b)(2) of Reorganization Plan No. 3 of 1979 and Executive Order 12188 of January 2, 1980.

Section 2. Organization and Functions

.01 *The Office of the Director General* includes the Director General, who shall direct the Foreign Commercial Service and shall advise the Under Secretary, the Assistant Secretary for Trade Development and other ITA officials regarding the policies and operations of the foreign Commercial Service overseas, the effectiveness of the commercial planning and programming process, and joint activities with the private sector and other foreign affairs agencies. The Office of the Director General also includes the Deputy to the Director General and an *Executive Development Staff* which shall advise the Director General on aspects of FCS operational and policy effectiveness which require special attention and effort, including development of new programmatic or coordination activities, improved management and personnel techniques, clarified or improved policy guidance;

and shall consider areas for improvements in personnel assignment, evaluation, and career development; consider findings of State, Commerce and other USC evaluation teams and assure appropriate remedial responses; assure supplementing of evaluation team capabilities with appropriate specialized expertise from FCS staff or elsewhere in Commerce; recommend to Director General measures for increased FCS effectiveness; coordinate its own findings and recommendations with other Commerce or State groups concerned with FCS operations.

The Director General directs the following elements:

.02 *The Office of Resources Management* shall be headed by a Director who shall determine overall administrative support policy, consistent with program priorities and available resources, and shall manage and integrate the activities of the following divisions:

a. *The Personnel Management Division* shall be responsible for long-term planning and policy for all recruitment, appointment, assignment, evaluation and career development issues affecting the FCS, and shall:

1. administer the FCS Officer Evaluation system and related selection boards;

2. establish and provide operational support for all recruitment and assignment panels or boards designed to control the intake and assignment of FCS Officers;

3. develop and manage a program to enhance the allocation, compensation, and career development of Foreign Service National employees;

4. develop business liaison designed to identify and attract business representatives to FCS assignments as well as personnel exchanges between FCS and the private sector;

5. maintain liaison and coordination with ITA and other Department personnel officers, and with the State Department for administration of all Foreign Service Act personnel policies and developments;

6. manage the Commerce-State exchange program;

7. administer an informal FCS grievance program and EEO program;

8. develop and administer post and employee communication programs related to personnel matters and publish related newsletters/journals;

9. provide the staff support for the Department of Commerce's activities on the Board of the Foreign Service and the Board of Examiners of the Foreign Service and be responsible for personnel policy relationships with other civilian

¹ Filed as part of the original document.

branches of the Government having overseas personnel; and

10. organize Foreign Commercial staff conferences.

b. *The Management Support Division* shall be responsible for administrative management of the FCS including:

1. oversight of the State Department's shared administration support policies and activities;

2. design and maintenance of a management and logistical support system for FCS posts including operating policies;

3. evaluation and provision of administrative support at posts including space for FCS activities, negotiation and management of leased quarters renovation, supply and local transportation;

4. determination of inventory needs and purchase and maintenance of control over FCS property;

5. representation on the Foreign Affairs Administrative Support Inter-Agency Council;

6. negotiation of agreements with the Departments of State and Defense concerning appropriate regular and emergency medical coverage for FCS employees overseas;

7. participation on the Inter-Agency Allowance Committee to determine appropriate overseas allowances;

8. review and negotiation with the Commerce Department and Department of State security offices of policies and support in the areas of employment and physical security;

9. development and maintenance of FCS international communications systems including policies, clearance, and coordination of equipment selection, procurement and installation;

10. coordination with the Office of the Secretary of Commerce and the Department of State concerning movement of personnel and shipment of household goods;

11. coordination and distribution of scheduled and unscheduled reporting; and

12. assurance of support to posts in business management techniques, business and management information systems and equipment, and telecommunications support, relying primarily on assistance from ITA Administrative elements.

.03 *The Office of Operations Planning and Coordination* is headed by a Director. The Office:

1. provides oversight to the workload planning process;

2. serves as the headquarters liaison for FCS posts and Regional Commercial Officers representing them in the areas of workload management, program and

operational policies, procedures, and relationships with other ITA units and foreign affairs agencies;

3. coordinates the FCS role in MTN implementation;

4. recommends long- and short-term budget and staffing levels of effort;

5. serves as ombudsman for FCS clients to resolve problems of program delivery;

6. establishes and maintains liaison with other Government agencies, industry consultative groups, the U.S. Chamber of Commerce and academe to develop new, more effective techniques for promoting U.S. commercial interests abroad;

7. monitors issues involving Congressional liaison, proposing and conducting briefings or other interchanges as appropriate;

8. establishes and monitors the use of small business facilities and services abroad;

9. provides management oversight of the commercial libraries abroad; and

10. provides oversight of fiscal planning and control, representing post needs in the budget formulation and execution processes.

.04 *The Foreign Commercial Service (FCS) Overseas.*

a. The FCS is the overseas operational arm of the Department of Commerce for export development activities. It shall be responsible for promotion of U.S. commercial interests abroad; implementing the full range of Department of Commerce overseas commercial programs and activities, including those administered by ITA, other Commerce agencies, and other U.S. Government agencies; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas Department of Commerce personnel.

b. FCS posts are directed by a senior commercial officer who reports directly to the ambassador deputy chief of mission and receives program and operational direction from the Department of Commerce. The senior FCS officer at each post shall be responsible for post administration and the utilization and management of the Department of Commerce resources in accordance with objectives, policies and procedures established by the Department of Commerce, as conveyed to the FCS through the Director General of the FCS; and shall be responsible for the direction and supervision of program implementation as conveyed to FCS posts through the Country Commercial Planning and Programming process.

c. Post activities include the following:

1. proposal of Post Commercial Action Programs, including marketing strategies, target industry emphasis, optimum trade promotion events, and budget and personnel resource requirements;

2. support of overseas trade promotion and investment facilitation activities, including Export Development Offices, trade fairs, business development offices, missions, financing support, and related activities, and counseling and support to individual U.S. firms seeking export sales or assistance for procurement contracts;

3. development of marketing and commercial intelligence for dissemination to the U.S. business community through the World-wide Information and Trade System (WITS)-related activities overseas; commercial reporting including industry reports and market research for all ITA units; and management of commercial libraries;

4. support for ITA import and export administration activities; monitoring of U.S. rights and opportunities created by multilateral trade agreements and implementation of related export services and programs; facilitation of U.S. investment and assistance to U.S. service industries' marketing initiatives, and, as resources permit, related needs of other agencies; and

5. representation to host country government on behalf of U.S. business to resolve individual business problems and to further U.S. business interests; representation and participation in negotiations on general trade and investment issues including those relating to implementation of the MTN; assistance to U.S. business representatives to resolve trade complaints; and overseas support for Joint Commission and other trade facilitation groups.

Part V. Administrative and Public Affairs Support

Management, data processing, budget, personnel, public affairs and administrative support services will be provided by Offices reporting to the Director of Administration.

Approved:

Robert E. Herzstein,

Under Secretary for International Trade.

Erland H. Heginbotham,

Director General of the Foreign Commercial Service.

[FR Doc. 81-5048 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

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), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:
 - a. Name Mr. John Straley and Mrs. Jan Straley (P263).
 - b. Address Box 273, Sitka, Alaska 99835.
2. Type of Permit: Scientific Research/Scientific Purposes.
3. Name and Number of Animals: Humpback whales (*Megaptera novaeangliae*)—Up to 100.
4. Type of Take: Potential harassment during observational studies.
5. Location of Activity: Southeastern Alaska.
6. Period of Activity: March 1981–March 1983.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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, on or before March 25, 1981. 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, NW., Washington, D.C.; and
- Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: February 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-6012 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit

On January 12, 1981, Notice was published in the *Federal Register* (46 FR 2667), that an application had been filed with the National Marine Fisheries Service by the National Zoological Park, Smithsonian Institution, Washington, D.C. 20008 to import specimen material from 200 gray seals (*Halichoerus grypus*) for the purpose of scientific research.

Notice is hereby given that on February 13, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit covering part of the requested activities to the National Zoological Park subject to certain conditions set forth therein. The permit authorizes the import of specimen material from up to 100 gray seals taken by the Canadian government. A decision on the portion of the request involving the import of specimen material taken from live gray seals has been deferred pending receipt of additional information.

The Permit and related documents 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, Northeast Region, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: February 13, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-6013 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

Regional Fishery Management Councils and Their Advisory Panels; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic, New England, Mid-Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils and their Advisory Panels

were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265). This inter-council committee and its Advisory Panels will meet to discuss portions of the draft profile of the Swordfish Fishery Management Plan.

DATES: These public meetings will convene on Thursday, March 12, 1981, at approximately 10 a.m., and adjourn at approximately 5 p.m., on Friday, March 13, 1981, convene at approximately 9 a.m., and adjourn at approximately 3 p.m.

ADDRESS: The meetings will take place at the Ramada Inn-Airport, 845 N. Central Avenue, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: February 18, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-6011 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increasing the Level of Restraint for Certain Cotton Apparel Imported From Sri Lanka

February 17, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 10 percent the sublimit established for men's and boys' woven cotton shirts (Category 340) within Category 340/341/640/641, produced or manufactured in Sri Lanka, from 350,000 dozen to 385,000 dozen during the agreement year which began on May 1, 1980 and extends through April 30, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement between the Governments of the United States and Sri Lanka, cotton and man-made fiber textile products in Categories 340, 341, 640 and 641 are covered under a single, overall limit with sublimits for the individual categories. Any sublimit may be exceeded by not more than 10

percent in an agreement year, provided that imports in the four categories do not exceed the overall ceiling. Inasmuch as the overall ceiling will not be exceeded, the sublimit for Category 340 is being increased 35,000 dozen to 385,000 dozen for the agreement year which began on May 1, 1980.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On September 12, 1980, there was published in the *Federal Register* (45 FR 60465) a letter dated September 9, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements which established import restraint levels for certain categories of cotton and man-made fiber textile products, including Category 340/341/640/641, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on May 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase to 385,000 dozen the level of restraint established for Category 340.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 17, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the letter of September 9, 1980 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption and withdrawal from warehouse for consumption during the twelve-month period which began on May 1, 1980 and extends through April 30, 1981, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Sri Lanka, in excess of designated levels of restraint.

Effective on February 17, 1981, paragraph 1 of the letter of September 9, 1980 is amended to include an adjusted twelve-month sublimit of 385,000 dozen for cotton textile products in Category 340 within the overall level established for Category 340/341/640/641.¹

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton textile products from Sri Lanka have been determined by the Committee for the Implementation of Textile

¹The adjusted sublimit for Category 340 has not been adjusted to reflect any imports after December 31, 1980.

Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-6010 Filed 2-20-81; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Priorities for Commission Action; General Statement of Policy

AGENCY: Consumer Safety Commission.

ACTION: Statement of policy.

SUMMARY: This notice lists, with brief descriptions, CPSC priority projects for fiscal year 1981 for Commission action to reduce or eliminate unreasonable risks of injury associated with consumer products. The list is divided into two parts. The first part lists those hazard-related projects designated for priority attention; the second part concerns longer range commitments of the Commission to improve the Commission's regulatory processes. This priority list is for general information to the public and Commission guidance to the staff. The list does not include all activities of the Commission and may change when the Commission believes that revised priorities are appropriate.

EFFECTIVE DATE: Policy now in effect.

FOR FURTHER INFORMATION CONTACT: Charles R. Casper, Deputy Director, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. (301-492-6554).

SUPPLEMENTARY INFORMATION: On December 26, 1979 [44 FR 76387], the Commission published a listing of 23 priority projects for fiscal year 1980. The projects were selected based on the Commission policy for establishing priorities for Commission action (16 CFR 1009.8, 41 FR 27960, July 8, 1976). This policy states that the following criteria will be considered in establishing priorities for Commission action: Frequency and severity of injuries; causality of injuries; chronic illness and future injuries; costs and benefits of Commission action; unforeseen nature of the risk of injury; vulnerability of the population at risk; probability of exposure to the hazard; and, when appropriate, additional factors known to the staff and believed to warrant

Commission attention. Those 23 projects were grouped into two categories: a list of hazard-related projects and a list of longer range commitments of the Commission to improve CPSC's regulatory processes.

In this document the Commission establishes 17 priority projects for fiscal year 1981. (Commissioner R. David Pittle dissented from the Commission decision not to list CB antennas as a priority project and to include electric blankets on the priority list.) These projects were selected in accordance with the criteria described above. Several new projects have been added to this year's listing. Others which appeared on the fiscal 1980 list have been dropped either because they are complete or because they no longer warrant priority attention. Because of limited resources, the Commission must carefully focus its activities on the most serious hazards which it can effectively address.

Like the 1980 listing, the fiscal year 1981 listing is divided into two sections. The first section lists on an individual hazard or product basis those 12 products of particular concern to the Commission. The second section lists 5 longer range commitments of the Commission to improve CPSC regulatory processes. While the Commission believes a product-by-product approach to safety is essential in protecting consumers from unreasonable risks of injury, the Commission also believes it must evaluate mechanisms for increasing the overall impact of CPSC on product safety.

The second part of the priority listing, then, is intended to focus the attention of the Commission and the staff on those general areas which will enable the Commission to better fulfill its mission of reducing injuries and deaths to consumers.

The order of projects or categories appearing below does not reflect the priority of one project or category as compared to another. In addition, the projects reflect the Commission's judgment of important activities, but should not be taken to be a complete list of all activities of the Commission. The Commission works in many other areas, including enforcing existing regulations and developing material for possible new regulations, conducting research, and monitoring the marketplace for new or unsuspected product hazards.

The Commission issues the following 17 priority projects for fiscal year 1981:

A. Hazard-Related Projects

Aluminum Wiring. Aluminum wiring systems installed in over 1.5 million homes and mobile homes between 1965 and 1973 can overheat posing a potential

serious fire hazard. The Commission has asked a federal court to declare such wiring systems an imminent hazard and is seeking an order requiring 26 manufacturers of aluminum wire and electrical devices to give widespread public notice of the hazard and to repair or replace existing wiring systems.

Asbestos. Inhalable asbestos fibers associated with a risk of cancer in humans may be found in a number of consumer products. The Commission has issued a general order to gather information on asbestos in certain consumer products. Selected products will also be tested for asbestos release. Exposure and risk will be determined, and appropriate regulatory actions recommended to the Commission. The Commission and the Environmental Protection Agency are coordinating their efforts in this area.

Benzidine Congener Dyes. Consumers may face a risk of cancer from exposure to consumer dye products and arts/crafts dyes utilizing benzidine, o-tolidine and o-dianisidine dyes (referred to as benzidine congener dyes). The Commission has granted a petition requesting that a ban be proposed for these products and has directed the staff to develop a draft proposed banning regulation for Commission consideration. The Commission will also examine the use of these dyes in clothing and other textiles and will consider whether action is necessary to reduce any hazard identified with this use.

Chain Saws. The Commission estimates that there were over 100,000 chain saw injuries requiring medical attention in 1979, which is up from an estimated 76,000 injuries in 1976. About 23% of the injuries associated with chain saws result from a phenomenon known as "kickback"—the rearward and upward travel of the chain saw when the saw bucks, kicks or otherwise unexpectedly jumps toward the operator. The Commission will begin development of a mandatory consumer product safety standard for chain saws, their components, and replacement parts to address chain saw "kickback" hazards.

Coal and Wood Burning Stoves. Coal and wood burning stoves present a serious fire hazard if improperly installed or inadequately maintained. An estimated 14,000 fires and 115 deaths annually may be associated with such stoves. An unknown number of fires and deaths are associated with components such as chimneys, flues and chimney connectors. The Commission has proposed a mandatory labeling rule regarding safe installation and maintenance of these stoves. The

Commission will consider final action on the proposal.

Cribs. Commission staff identified a risk of injury from head entrapment in the cut-out designs of certain crib headboards and footboards, and has developed a suggested test method to identify potentially hazardous cribs. The Commission has proposed an amendment to its crib regulations to address the risk of head entrapment. Work is also continuing to gather information concerning a possible entanglement hazard from a child's clothing or other articles around a child's neck becoming caught on crib corner posts or other projections and strangling the infant.

Electric Blankets. The Commission estimates that in 1978 there were 2200 fires, 15 deaths and 100 consumer injuries associated with electric blankets. As more consumers turn down their thermostats and turn on their electric blankets, the number of blanket-related fires is likely to increase. The Commission will monitor industry's efforts to upgrade the number and placement of thermostats in electric blankets and will perform engineering analyses.

Formaldehyde. Formaldehyde has been found to be carcinogen in test animals and an independent federal panel of expert scientists believe it should be presumed to pose a cancer risk to humans. Formaldehyde gas released from consumer products is also associated with irritation effects such as human respiratory problems, headaches, and eye and skin irritation. The Commission will examine the extent of consumer exposure to formaldehyde from such products as plywood, particle board, and textiles, as well as formaldehyde use in school laboratories. The Commission has voted to propose a ban of urea formaldehyde foam insulation (UFFI) based on the acute and chronic health effects associated with the release of formaldehyde from the product.

House Wiring. A manufacturer of circuit breakers has reported to the Commission that its circuit breakers may fail to open overloaded circuits. The Commission has reviewed a survey which shows that many homes have fuses and circuit breakers rated too high for the circuits. Another report shows that thermal insulation is being installed around electrical parts trapping heat and causing heat buildup which may lead to electrical fires in homes. The Commission will investigate household electrical systems which now account for approximately one-tenth of the home fires reported annually. Based on this, the Commission will consider the need

for product standards or for changes in existing standards and codes.

Indoor Air Pollution. Various harmful pollutants—including radon, formaldehyde, carbon monoxide, and nitrogen dioxide—have been found in the air in homes. This problem may be made worse by current efforts to conserve energy by insulating or sealing air leaks and thereby creating a tighter thermal envelope. Indoor air pollution may pose a more serious human health problem than outdoor pollution since Americans spend 70 to 80 percent of their time indoors. The Commission is working with the Environmental Protection Agency, the Department of Energy, and other federal agencies to determine the health effects and environmental implications of major indoor air pollutants. The Commission will identify major sources of home pollution and begin to develop data to determine acceptable levels of major pollutants.

Plastics Flammability. With widespread use of many different types of plastics in consumer products, certain such products containing plastics appear to be unusually flammable or produce unusually toxic gases when they burn. The Commission plans to develop small-scale test methods to evaluate the hazards of plastics in consumer products.

Upholstered Furniture. Every year upholstered furniture fires caused by smoldering cigarettes are estimated to kill at least 1,300 people and seriously injure another 3,700. The industry, in an effort to produce upholstered furniture that is more resistant to ignition from burning cigarettes, has initiated a voluntary program that includes modifications of the materials used in the furniture and changes in the methods of construction. The Commission will complete its assessment of the effectiveness of the industry program and consider appropriate options, both voluntary and mandatory.

B. Regulatory Processes

Further developing the use of section 15 of the Consumer Product Safety Act (CPSA) to identify and remove substantially hazardous products from the marketplace quickly, concentrating efforts on major hazards; and exploring ways in which the effectiveness of product recalls can be improved.

Surveying the Commission's basic injury data needs, improving data collection methods as necessary, and seeking out other useful sources of information on injury, illness and death associated with consumer products.

Evaluating existing product safety standards, bans, and other regulations to ensure that they are still serving important safety goals, and revoking those that are no longer needed or unduly burdensome.

Continuing the Commission's outreach to minorities, low income consumers, the elderly, and other special populations, focusing on serious hazards and the need to take corrective action.

Looking to voluntary standards, in certain areas, as alternatives and supplements to mandatory regulation, and evaluating their effectiveness.

The priority listings constitute general information for the public and guidance for the Commission staff in planning and executing their tasks. The list is subject to continuing review for additions or modifications that may be made necessary by more recent information, and the emergence of presently unforeseen hazards.

The Commission staff will prepare work schedules detailing the progress of work on approved hazard projects and programs to improve regulatory processes and will periodically report the status of work to the Commission. Some of the priority projects represent a commitment to ongoing activities and will not be completed in one year.

An important reason for publishing this information is to advise the public that, given the limited resources available to it, the Commission will take action based largely on the project priorities discussed in this notice, although the Commission works in other areas as well. The Commission believes that this information will enable the public to understand and follow Commission actions more easily. However, these priority listings should not discourage persons from calling the Commission's attention to other consumer products that may present risks of injury to the public.

Dated: February 18, 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 81-5943 Filed 2-20-81; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[CFR Docket No. 79-1]

Partial Distribution of 1978 Cable Royalty Fund

February 18, 1981.

The Copyright Royalty Tribunal (Tribunal) on October 29, 1980 published in the Federal Register (45 FR 71641) an

order that no distribution of 1978 cable royalty fees "shall be made by the Tribunal pending the final determination of the pending appeals" of the Tribunal's final decision in CFT Docket No. 79-1.

In accordance with a majority vote of the Tribunal at a public meeting of November 25, 1980, the Tribunal published in the Federal Register of December 2, 1980 (45 FR 79867) an order rescinding, effective immediately, the Tribunal order published on October 29.

The Tribunal directs claimants to the 1978 cable royalty fund or their authorized representatives to submit to the Tribunal not later than March 6, 1981 the proposed scope and terms of a final order of the Tribunal providing for partial distribution of the 1978 cable royalty fees.

Clarence L. James, Jr.,
Chairman.

[FR Doc. 81-5983 Filed 2-20-81; 8:45 am]

BILLING CODE 1410-06-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board.
Dates of Meeting: 16-17 March 1981.

Place: Fort Sam Houston, Texas; Austin, Texas; Kelly Air Force Base, Texas.

Time: 0800-1030 hours, March 16, 1981, open; 1030-1645 hours, March 16, 1981, closed; 0830-1100 hours, March 17, 1981, Group 1—closed; 0830-1115 hours, March 17, 1981, Group 2—open; 0830-1100 hours, March 17, 1981, Group 3—closed; 1300-1400 hours, March 17, 1981, closed.

Agenda: The Army Science Board will hold its Spring General Membership Meeting to present and receive briefings as shown in the Agenda:

Monday, 16 March

0800-0815 Opening of Meeting by Chairman, ASB

0815-0830 Remarks

0830-0900 Welcome, Fifth U.S. Army Command Briefing

0900-0930 Break

0930-1010 Health Services Command Briefing

1010-1030 Academy of Health Sciences Briefing

Closed 1030-1645:

1030-1200 ASB Briefings/Discussions

1030-1100 National Training Center

1100-1115 Night Vision Common Module

1115-1140 Testing of Electronic Systems

1140-1200 Design of Army Tests

1215-1300 Lunch

1315-1400 Personnel Strategies of the 1980's

1400-1615 Progress Briefings on Completed Studies
1400-1500 High Technology Light Division
1500-1515 Break
1515-1545 Testing
1545-1615 Other Reviews
1615-1645 Equipping the Army: 1990-2000

Tuesday, 17 March

Closed:

0830-1100 Group 1 Briefing and Tour of Southwest Research Institute facilities, Austin, Texas

0830-1115 Group 2 Briefing and Tour of Army Medical Training facilities, Fort Sam Houston, Texas

Closed:

0830-1100 Group 3 Briefing/Discussion of Joint EW Center/Electronic Security Command, Kelly Air Force Base, Texas

1130-1245 Lunch

Closed:

1300-1400 Round Table Discussion and Conclusion of Meeting

Portions of the meeting as indicated will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and nonclassified matters to be discussed during those portions are so inextricably intertwined so as to preclude opening those portions.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-5963 Filed 2-20-81; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Deletion of Systems Notices

AGENCY: Department of the Army, DoD.

ACTION: Notice of deletion of system notices.

SUMMARY: The Department of the Army proposes to delete 9 system notices for the reason that information therein is described in other system notices, as indicated below or the systems are no longer subject to the Privacy Act.

DATE: This action is effective March 25, 1981.

ADDRESSES: Public comments concerning this proposal are invited and may be submitted to Mr. Richard Christian, The Adjutant General's Office, HQDA (DAAG-AMR-R), Washington, D.C. 20310; telephone: 202/693-0973.

SUPPLEMENTARY INFORMATION: The Army's inventory of system notices is contained in the following editions of the Federal Register:

FR Doc. 79-37052 (44 FR 73729), December 17, 1979.

FR Doc. 81-85 (46 FR 1002), January 5, 1981.

FR Doc. 81-3374 (46 FR 6460), January 21, 1981.

M. S. Healy,

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

February 18, 1981.

Deletions

A0704.09bDAPE

SYSTEM NAME:

University of Hawaii Army ROTC Alumni (44 FR 73862), December 17, 1979.

REASON:

Information in these records is covered by system notice A0401.02bDAAG, Mailing List for Army Newspapers/Periodicals.

A0715.07bAMC

SYSTEM NAME:

Computerized Time Accounting System (CTAS) (44 FR 73893), December 17, 1979.

REASON:

Information in these records is covered by system notice A0309.05aDAAG, Resource Management and Cost Accounting Files.

A0718.08DAAG

SYSTEM NAME:

World War I Awards and Decorations Card File (44 FR 73895), December 17, 1979.

REASON:

Information contained in these records is covered in system of records A0708.02aDAPC, Official Military Personnel File.

A0725.07aDAAG

SYSTEM NAME:

Commercial Business Solicitation Files (44 FR 73905), December 17, 1979.

REASON:

Information in these records is covered in system of records A0102.02aDAAG, Office Business Visitor Files.

A0808.01aAMC

SYSTEM NAME:

Hazardous Devices Course Graduates (44 FR 73914), December 17, 1979.

REASON:

Information in these records is covered by system notice A0102.03aDAAG, Office Personnel Locator/Organizational Rosters.

A0915.01aDASG

SYSTEM NAME:

Nursing Service Schedule Files (44 FR 73929), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

A1011.04aDAPE

SYSTEM NAME:

USMA Institutional Research Survey File (44 FR 73953), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

A1107.20aDAMO

SYSTEM NAME:

Photographic Caption Files (44 FR 73979), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

A1207.09aUSAREUR

SYSTEM NAME:

School Bus System (SBS) (44 FR 73995), December 17, 1979.

REASON:

Records are not subject to the Privacy Act in that they are not retrieved by personal identifier.

[FR Doc. 81-8021 Filed 2-20-81; 8:43 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Systems Management College; Board of Visitors Meeting

A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 204, Fort Belvoir, VA, on Thursday, April 2, 1981, from 11 a.m. until 4:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-served basis. Persons desiring to attend the meeting

should call Lieutenant Commander Judy Ray (703-664-1175) to reserve a seat.

M. S. Healy,

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

[FR Doc. 81-5885 Filed 2-20-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Industrial Energy Conservation Program; Notice of Filing Date To Be an Exempt Corporation or To Be a Sponsor With an Adequate Reporting Program

AGENCY: Department of Energy.

ACTION: Notice of Filing Date to be an Exempt Corporation or to be a Sponsor with an Adequate Reporting Program.

SUMMARY: The Department of Energy (DOE) is notifying corporations which will report under DOE's Industrial Energy Efficiency Reporting Program on energy efficiency improvement in calendar year 1980 of the provisions of DOE's regulations at 10 CFR Part 445 (45 FR 10194, February 14, 1980) for receiving exemptions from filing such reports directly with DOE. The format for making such a request and the criteria for exemption by DOE are set forth at 10 CFR Part 445 Subpart D—Exemption Criteria and Procedures. Corporations which received exemptions from filing direct reports on energy efficiency improvement in calendar year 1979 should note that 10 CFR 445.34(d) permits such corporations to refrain from refiling an exemption request under specified conditions.

DOE is also notifying sponsors of industrial reporting programs which seek to be determined as "adequate" for purposes of 10 CFR Part 445 of the provisions for making such a request set forth at 10 CFR Part 445 Subpart D. Sponsors which were determined "adequate" for filing reports on energy efficiency improvement in calendar year 1979 should note that 10 CFR 445.35(c) provides a simplified procedure for renewing a determination of adequacy. **DATE:** Requests for exemption from direct reporting and requests to be a sponsor of an adequate reporting program must be received by DOE not later than February 28, 1981. Sponsor reports must be received by DOE by June 1, 1981.

ADDRESS: Requests filed in response to 10 CFR Part 445, Subpart D—Exemption Criteria and Procedures should be sent to: Office of Industrial Programs, CS-122.1, U.S. Department of Energy, 1000

Independence Avenue SW.,
Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of
Industrial Programs, CS-122.1, U.S.
Department of Energy, 1000
Independence Avenue SW.,
Washington, D.C. 20585 (202) 252-2371.

Issued in Washington, D.C., February 12,
1981.

Frank De George,

*Acting Assistant Secretary, Conservation and
Solar Energy.*

[FR Doc. 81-5920 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

**National Petroleum Council,
Transportation Task Group of the
Committee on Arctic Oil and Gas
Resources; Meeting**

Notice is hereby given that the
Transportation Task Group of the
Committee on Arctic Oil and Gas
Resources will meet in March 1981. The
National Petroleum Council was
established to provide advice,
information, and recommendations to
the Secretary of Energy on matters
relating to oil and natural gas or the oil
and natural gas industries. The
Committee on Arctic Oil and Gas
Resources will analyze the various
issues bearing on expeditious resource
development of this promising frontier
area. Its analysis and findings will be
based on information and data to be
gathered by the various task groups. The
time, location and agenda of the
Transportation Task Group meeting
follows:

The second meeting of the
Transportation Task Group will be held
on Tuesday, March 24, 1981, starting at 9
a.m., in Room 215, Anaconda Tower, 555
Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting
follows:

1. Introductory remarks by the
Chairman and Government Cochairman.
2. Review progress of Task Group
members in individual study
assignments.
3. Review and discuss the overall
schedule of the Task Group.
4. Discussion of any other matters
pertinent to the overall assignment from
the Secretary.

The meeting is open to the public. The
Chairman of the Transportation Task
Group is empowered to conduct the
meeting in a fashion that will, in his
judgment, facilitate the orderly conduct
of business. Any member of the public
who wishes to file a written statement
with the Transportation Task Group will
be permitted to do so, either before or
after the meeting. Members of the public

who wish to make oral statements
should inform L. A. Vickers, Office of
Oil and Natural Gas, Resource
Applications, 202/633-8383, prior to the
meeting and reasonable provision will
be made for their appearance on the
agenda.

Summary minutes of the meeting will
be available for public review at the
Freedom of Information Public Reading
Room, Room 1E-190, DOE, Forrestal
Building, 1000 Independence Avenue,
S.W., Washington, D.C., between the
hours of 8 a.m. and 4:30 p.m., Monday
through Friday, except Federal holidays.

Issued at Washington, D.C., on February
10, 1981.

Robert H. Lawton,

*Acting Deputy Assistant Secretary, Resource
Development and Operations Resource
Applications.*

February 10, 1981.

[FR Doc. 81-5931 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

**Industrial Energy Conservation
Program; Notice of 1980 Energy
Consumption Filing Requirement**

AGENCY: Department of Energy.

ACTION: Notice of Filing Requirement.

SUMMARY: The Department of Energy
(DOE) hereby notifies manufacturing
corporations of the requirements to file
a report on energy consumption for
calendar year 1980, as set forth at 10
CFR Part 445, Subpart B—Identification
of Corporations. These regulations
include both the requirements defining
which corporations must report to DOE
and the format for the report. DOE will
use the reports to identify corporations
which must participate in DOE's
Industrial Energy Efficiency Reporting
Program and, where applicable, the
Recovered Materials Reporting Program.
To assist corporations in meeting the
provisions of 10 CFR Part 445,
specifically the exemption from filing for
previously identified corporations which
do not want to change their status under
the program, the appendix to this notice
lists the corporations identified by DOE
for calendar year 1979.

DATE: Any corporation covered by this
filing requirement must report the
required information to DOE no later
than February 28, 1981.

ADDRESS: Reports filed in response to 10
CFR Part 445, Subpart B—Identification
of Corporations should be sent to: Office
of Industrial Programs, CS-122.1, U.S.
Department of Energy, 1000
Independence Avenue, SW.,
Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of
Industrial Programs, CS-122.1, U.S.
Department of Energy, 1000
Independence Avenue, SW.,
Washington, D.C. 20585, (202) 252-2371.

Issued in Washington, D.C., February 12,
1981.

Frank DeGeorge,

*Acting Assistant Secretary, Conservation and
Solar Energy.*

**List of Corporations Identified for
Calendar Year 1979**

(Includes subsequent amendments for
1980 as a result of corporate notification
to DOE since previous notice 45 FR
33834 May 20, 1980)

SIC 20—Food and Kindred Products

A. E. Staley Manufacturing Company
Adolph Coors Company
Amalgamated Sugar Company
American Brands Inc.
American Crystal Sugar Company
American Home Products Corporation
American Maize-Products Company
AMFAC Inc.
AMPCO Foods Inc.
AMSTAR Corporation
Anderson Clayton & Company
Anheuser-Busch Inc.
Archer Daniels Midland Company
Beatrice Foods Company
Borden Inc.
Bunge Corporation
California & Hawaiian Sugar Company
California Cannery and Growers Company
Campbell Soup Company
Campbell Taggart Inc.
Cargill Inc.
Carnation Company
Castle & Cooke Inc.
Central Soya Company Inc.
Coca Cola Company
Conagra Inc.
Consolidated Foods Corporation
Continental Grain Company
CPC International Inc.
Curtice-Burns Inc.
Del Monte Corporation
Dubuque Packing Company
Eli Lilly and Company
Farmland Industries Inc.
Federal Company
Flowers Industries Inc.
Foremost-McKeeson Inc.
G. Heileman Brewing Company Inc.
General Foods Corporation
General Host Corporation
General Mills Inc.
George A. Hormel & Company
Gerber Products Company
Gold Kist Inc.
Grain Processing Corporation
Grain Terminal Association
Great A & P Tea Company Inc.
Greyhound Corporation
H. J. Heinz Company
Hanson Industries Inc.
Henkel Corporation
Hershey Foods Corporation
Heublein Inc.
Holley Sugar Corporation
Hunt International Resources Corporation

IC Industries Inc.
Imperial Sugar Company
International Telephone & Telegraph Corporation

Interstate Brands Corporation
Iowa Beef Processors Inc.
*J. R. Simplot Company
Jos. Schlitz Brewing Company
Joseph E. Seagram & Sons Inc.
Keebler Company
Kellogg Company
Kraft Inc.
Kroger Company
Ladish Malting Company
Land O'Lakes Inc.
Liggett Group Inc.
Lykes Brothers Inc.
Mars Incorporated
MBPXL Corporation
Michigan Sugar Company
Mid-America Dairymen Inc.
Midwest Solvents Company Inc.
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Moorman Manufacturing Company
Nabisco Inc.
National Starch & Chemical Corporation
National Distillers & Chemical Corporation
Nestle Enterprises Inc.
Norton Simon Inc.
Olympia Brewing Company
Oscar Mayer & Company
Pabst Brewing Company
Pepsico Inc.
Perdue Inc.
Philip Morris Inc.
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
R. J. Reynolds Industries Inc.
R. T. French Company
Ralston Purina Co.
Rapid American Corporation
Rath Packing Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Riceland Foods Inc.
Safeway Stores Inc.
Savannah Foods & Industries Inc.
SCM Corporation
Southern Minnesota Sugar Cooperative
Standard Brands Inc.
Stokely-Van Camp Inc.
Stroh Companies Inc.
Sunkist Growers Inc.
Swift & Company
Thomas J. Lipton Inc.
Tillie Lewis Foods Inc.
Tri/Valley Growers Inc.
Twin City Foods Inc.
United Brands Company
Univar Corporation
Universal Food Corporation
Wilson Food Corporation

SIC 21—Tobacco Products

American Brands Inc.
Brown & Williamson Tobacco Corporation
Philip Morris Inc.
R. J. Reynolds Industries Inc.

SIC 22—Textile Mill Products

American Thread Company
Armstrong Cork Company
Avondale Mills Inc.
Bibb Company

Burlington Industries Inc.
Cannon Mills Company
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Consolidated Foods Corporation
Cranston Print Works Company
Crompton Company Inc.
Daisy Hosiery Mills Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
Gulf & Western Industries Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
Kiddie Tot Hosiery Mills Inc.
M. Lowenstein & Sons Inc.
Milliken & Company
Mohasco Corporation
Northwest Industries Inc.
RCA Corporation
Reeves Brothers Inc.
Riegel Textile Corporation
Shaw Industries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company
Springs Mills Inc.
Standard Oil Company (Indiana)
Standard-Coosa-Thatcher Company
Texfi Industries Inc.
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.
WWG Industries Inc.

SIC 23—Apparel and Other Textile Products

None

SIC 24—Lumber and Wood Products

Bendix Corporation
Boise Cascade Corporation
Champion International Corporation
Crown Zellerbach Corporation
Evans Products Company
Georgia-Pacific Corporation
Jim Walter Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Masonite Corporation
Potlatch Corporation
Southwest Forest Industries Inc.
Time Inc.
Union Camp Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 25—Furniture and Fixtures

None

SIC 26—Paper and Allied Products

Abitibi Corporation
Abitibi Southern Corporation
Alaska Lumber & Pulp Company Inc.
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Armstrong Cork Company
Austell Box Board Corporation
Bell Fibre Products Corporation

Bird & Son Inc.
Blandin Paper Company
Boise Cascade Corporation
Bowater Inc.
Certainteed Corporation
Champion International Corporation
Chesapeake Corporation
Clevopak Corporation
Collins & Aikman Corporation
Consolidated Papers Inc.
Consolidated Packaging Corporation
Continental Group Inc.
Crown Zellerbach Corporation
Ernison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Flintkote Company
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
General Refractories Company
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf & Western Industries Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Hollingsworth & Vose Company
Howard Paper Mills Inc.
International Paper Company
International Telephone & Telegraph Corporation
Interstate Paper Corporation
James River Corporation of Virginia
Jim Walter Corporation
Johns-Manville Sales Corporation
Johnson & Johnson
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Louisiana-Pacific Corporation
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Masonite Corporation
Mead Corporation
Menasha Corporation
Minnesota Mining & Manufacturing Company
Mobil Oil Corporation
Mosinee Paper Corporation
National-Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc.
P. H. Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pineville Kraft Corporation
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
SCM Corporation
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.

St. Joe Paper Company
 St. Regis Paper Company
 Stone Container Corporation
 Tenneco Inc.
 Time Inc.
 Times Mirror Company
 Union Camp Corporation
 United States Gypsum Company
 Virginia Fibre Corporation
 Wausau Paper Mills Company
 Western Paper & Manufacturing Company
 Westvaco Corporation
 Weyerhaeuser Company
 Willamette Industries Inc.

SIC 27—Printing and Publishing

Arcata Corporation
 City Investing Company
 Moore Business Forms Inc.
 R. R. Donnelley & Sons Company
 W. F. Hall Printing Company

SIC 28—Chemicals and Allied Products

Abbott Laboratories
 Air Products & Chemicals Inc.
 Airco Inc.
 Akzona Inc.
 Allied Chemical Corporation
 Aluminum Company of America
 Amerada Hess Corporation
 American Can Company
 American Cyanamid Company
 American Hoechst Corporation
 American Home Products Corporation
 American Petrofina Inc.
 American Synthetic Rubber Corporation
 Arizona Chemical Company
 Asarco Incorporated
 Ashland Oil Inc.
 Atlantic Richfield Company
 Avtex Fibers Inc.
 B. F. Goodrich Company
 Badische Corporation
 BASF Wyandotte Corporation
 Baxter-Travenol Laboratories Inc.
 Beker Industries Corporation
 Big Three Industries Inc.
 Borden Inc.
 Borg-Warner Corporation
 Bristol-Myers Company
 Buffalo Color Corporation
 C. F. Industries Inc.
 Cabot Corporation
 Cargill Inc.
 Carus Chemical Company Inc.
 Celanese Corporation
 CIBA-GEIGY Corporation
 Cities Service Company
 Coastal Corporation
 Colgate-Palmolive Company
 Cominco American Inc.
 Commonwealth Oil Refining Company
 Conoco Inc.
 Copolymer Rubber & Chemical Corp.
 CPC International Inc.
 Diamond Crystal Salt Company
 Diamond Shamrock Corporation
 Dow Chemical Company
 Dow Corning Corporation
 E. I. DuPont De Nemours & Company
 Eagle Picher Industries Inc.
 Eastman Kodak Company
 El Paso Products Company
 Eli Lilly and Company
 Estech General Chemicals Corporation
 Ethyl Corporation

Exxon Corporation
 Farmland Industries Inc.
 Felmont Oil Corporation
 Ferro Corporation
 Firestone Tire & Rubber Company
 First Mississippi Corporation
 FMC Corporation
 Freeport Minerals Company
 GAF Corporation
 Gardiner Big River Inc.
 General Electric Company
 General Host Corporation
 General Tire & Rubber Company
 Georgia-Pacific Corporation
 Getty Oil Company
 Goodyear Tire & Rubber Company
 Great Lakes Chemical Corporation
 Green Valley Chemical Corporation
 Greyhound Corporation
 Gulf & Western Industries Inc.
 Gulf Oil Corporation
 Gulf Resources & Chemical Corporation
 Halcon International Inc.
 Hardy Salt Company
 Henkel Corporation
 Hercules Incorporated
 Hoffmann-La Roche Inc.
 ICI Americas Inc.
 International Minerals & Chemicals Corporation
 Inter North Inc.
 J. M. Huber Corporation
 J. R. Simplot Company
 Johnson & Johnson
 Kaiser Aluminum & Chemical Corporation
 Kerr-McGee Corporation
 Koppers Company Inc.
 Kraft Inc.
 Lever Brothers Company
 Linden Chemicals & Plastics Inc.
 Lubrizol Corporation
 Mallinckrodt Inc.
 Merck & Company Inc.
 Merichem Company
 Miles Laboratories Inc.
 Minnesota Mining & Manufacturing Company
 Mississippi Chemical Corporation
 Mobay Chemical Corporation
 Mobil Oil Corporation
 Monsanto Company
 Morton-Norwich Products Inc.
 N-Ren Corporation
 Nalco Chemical Company
 National Distillers & Chemical Corporation
 Newmont Mining Corporation
 NIPRO Inc.
 NL Industries Inc.
 North American Rayon Corporation
 Northwest Industries Inc.
 Occidental Petroleum Corporation
 Olin Corporation
 Pennwalt Corporation
 Pfizer Inc.
 Phillips Petroleum Company
 PPG Industries Inc.
 PQ Corporation
 Procter & Gamble Company
 Publicker Industries Inc.
 Quaker Oats Company
 Reichhold Chemicals Inc.
 Reilly Tar & Chemical Corporation
 Reynolds Metals Company
 Richardson-Merrell Inc.
 Rohm And Haas Company
 SCM Corporation
 Shell Oil Company

Sherex Chemical Company Inc.
 Sherwin-Williams Company
 Signal Companies Inc.
 Soltex Polymer Corporation
 Squibb Corporation
 Standard Oil Company (Indiana)
 Standard Oil Company (Ohio)
 Standard Oil Company of California
 Stauffer Chemical Company
 Sterling Drug Inc.
 SunOlin Chemical Company
 Tenneco Inc.
 Terra Chemicals International Inc.
 Texaco Inc.
 Texasgulf Inc.
 Thiokol Corporation
 Tyler Corporation
 Union Camp Corporation
 Union Carbide Corporation
 Union Oil Company of California
 Uniroyal Inc.
 United States Borax & Chemical Corporation
 United States Steel Corporation
 United Technologies Corporation
 Upjohn Company
 Valley Nitrogen Producers Inc.
 Vertac Inc.
 Virginia Chemicals Inc.
 Vulcan Materials Company
 W. R. Grace & Company
 Warner-Lambert Company
 Westvaco Corporation
 Weyerhaeuser Company
 Williams Companies
 Witco Chemical Corporation

SIC 29—Petroleum and Coal Products

Agway Inc.
 Amerada Hess Corporation
 American Petrofina Inc.
 Asamera Oil (U.S.) Inc.
 Ashland Oil Inc.
 Atlantic Richfield Company
 Beacon Oil Company
 Bird & Son Inc.
 Certainteed Corporation
 Champlin Petroleum Company
 Charter International Oil Company
 Cities Service Company
 Clark Oil & Refining Corporation
 Coastal Corporation
 Commonwealth Oil Refining Company
 CONOCO Inc.
 Crown Central Petroleum Corporation
 Crystal Oil Company
 Diamond Shamrock Corporation
 Dorchester Gas Corporation
 Earth Resources Company
 Edgington Oil Company
 Energy Cooperative Inc.
 Exxon Corporation
 Farmers Union Central Exchange Inc.
 Farmland Industries Inc.
 Fletcher Oil & Refining Company
 GAF Corporation
 Getty Oil Company
 Great Lakes Carbon Corporation
 Gulf Oil Corporation
 Holly Corporation
 Hunt Oil Company
 Husky Oil Company
 Indiana Farm Bureau Cooperative Association
 Jim Walker Corporation
 Johns-Manville Sales Corporation
 Kern County Refinery Inc.

Kerr-McGee Corporation
 Koch Industries Inc.
 Koppers Company Inc.
 Little America Refining Company
 Louisiana Land & Exploration Company
 Marathon Oil Corporation
 Mobil Oil Corporation
 Murphy Oil Corporation
 National Cooperative Refinery Association
 OKC Corporation
 Oklahoma Refining Company
 Owen-Corning Fiberglas Corporation
 Pennzoil Company
 Petrolite Corporation
 Phillips Petroleum Company
 Placid Refining Company
 Powerine Oil Company
 Pride Refining Inc.
 Quaker State Oil Refining Corporation
 Rock Island Refining Corporation
 Shell Oil Company
 Southern Union Company
 Southland Oil Company
 Standard Oil Company (Indiana)
 Standard Oil Company (Ohio)
 Standard Oil Company of California
 Sun Company Inc.
 Tenneco Inc.
 Tesoro Petroleum Corporation
 Texaco Inc.
 Texas Eastern Transmission Corporation
 Time Oil Company
 Tosco Corporation
 Total Petroleum Inc.
 Union Oil Company of California
 Uniroyal Inc.
 United Refining Company
 USA Petroleum Corporation
 Vickers Petroleum Corporation
 Winston Refining Company
 Witco Chemical Corporation

SIC 30—Rubber and Miscellaneous Plastics Products

Amerace Corporation
 American Cyanamid Company
 Armstrong Rubber Company
 B. F. Goodrich Company
 Baxter-Travenol Laboratories Inc.
 Budd Company
 Carlisle Corporation
 Continental Group Inc.
 Cooper Tire & Rubber Company
 Dart Industries Inc.
 Dayco Corporation
 Eagle Picher Industries Inc.
 Ethyl Corporation
 Exxon Corporation
 Firestone Tire & Rubber Company
 Gates Rubber Company
 General Electric Company
 General Motors Corporation
 General Tire & Rubber Company
 Goodyear Tire & Rubber Company
 Michelin Tire Corporation
 Minnesota Mining & Manufacturing Company
 Owen-Illinois Inc.
 Union Carbide Corporation
 Uniroyal Inc.
 W. R. Grace & Company
 Westinghouse Electric Corporation

SIC 31—Leather and Leather Products

None

SIC 32—Stone, Clay, and Glass Products

Adolph Coors Company

AFG Industries Inc.
 Allied Chemical Corporation
 Allied Products Company
 Alpha Portland Cement Company
 Amcord Inc.
 American Standard Inc.
 Amsted Industries Inc.
 Anchor Hocking Corporation
 Arkansas Louisiana Gas Company
 Armco Inc.
 Armstrong Cork Company
 Ash Grove Cement Company
 Austin White Lime Company
 Babcock & Wilcox Company
 Ball Corporation
 Belden Brick Company
 Bethlehem Steel Corporation
 Bickerstaff Clay Products Company Inc.
 Boren Clay Products Company
 Brockway Glass Company Inc.
 California Portland Cement Company
 Can-Am Corporation
 Capitol Aggregates Inc.
 Centex Corporation
 Certaineed Corporation
 Citadel Cement Corporation
 CLM Corporation
 Combustion Engineering Inc.
 Copley Cement Manufacturing Company
 Corning Glass Works
 Crane Company
 Cyprus Hawaiian Cement Company
 Dart Industries Inc.
 Delta Macon Brick & Tile Company
 Dickey Company
 Domtar Industries Inc.
 Dorsey Corporation
 Dravo Corporation
 Dresser Industries Inc.
 Dundee Cement Company
 Eagle Picher Industries Inc.
 EDW C. Levy Company
 Engelhard Minerals & Chemicals Corporation
 Ferro Corporation
 Filtrol Corporation
 Flintkote Company
 Florida Mining & Materials Corporation
 Ford Motor Company
 GAF Corporation
 Gallo Glass Company
 General Telephone & Electronic Corporation
 General Dynamics Corporation
 General Electric Company
 General Portland Inc.
 General Refractories Company
 General Shale Products Corporation
 Georgia-Pacific Corporation
 Giant Portland & Masonry Cement Company
 Gifford-Hill & Company Inc.
 Glen-Gery Corporation
 Glenshaw Glass Company Inc.
 Guardian Industries Corporation
 Gulf & Western Industries Inc.
 Harsco Corporation
 Ideal Basic Industries Inc.
 Independent Cement Corporation
 Indian Head Inc.
 Interpace Corporation
 J. E. Baker Company
 Jim Walter Corporation
 Johns-Manville Sales Corporation
 Justin Industries Inc.
 Kaiser Aluminum & Chemical Corporation
 Kaiser Cement & Gypsum Corporation
 Kennecott Corporation
 Kerr Glass Manufacturing Corporation

Keystone Portland Cement Company
 Kohler Company
 Kraft Inc.
 Lancaster Colony Corporation
 Latchford Glass Company
 Lehigh Portland Cement Company
 Libbey-Owens-Ford Company
 Liberty Glass Company
 Lone Star Industries Inc.
 Louisville Cement Company
 Martin-Marietta Corporation
 McDonough Company
 Midland Glass Company Inc.
 Minnesota Mining & Manufacturing Company
 Mississippi Lime Company
 Missouri Portland Cement Company
 Monarch Cement Company
 Monolith Portland Cement Company
 National Bottle Manufacturing Company
 National Can Corporation
 National Cement Company
 National Gypsum Company
 Newmont Mining Corporation
 Northwestern State Portland Cement Company
 Norton Company
 Norton Simon Inc.
 OKC Corporation
 Oregon Portland Cement Company
 Owens-Corning Fiberglas Corporation
 Owens-Illinois Inc.
 Pacific Coast Building Products Company
 Pacific Holding Corporation
 Penn-Dixie Industries Inc.
 Pfizer Inc.
 Pomona Corporation
 PPG Industries Inc.
 Puerto Rican Cement Company Inc.
 Rangaire Corporation
 Raybestos Manhattan Inc.
 Reichhold Chemicals Inc.
 Republic Steel Corporation
 Rinker Portland Cement Corporation
 River Cement Company
 Rockwool Industries Inc.
 Round Rock Lime Company
 San Antonio Portland Cement Company
 Solite Corporation
 South Dakota Cement Corporation
 Southdown Inc.
 St. Clair Lime Company
 Texas Industries Inc.
 United States Gypsum Company
 United States Steel Corporation
 Vulcan Materials Company
 Warner Company
 Weyerhaeuser Company
 Wheaton Industries
 Whitehall Cement Manufacturing Company
 Woodville Lime & Chemical Company

SIC 33—Primary Metal Industries

A. Finkl & Sons Company
 Alcan Aluminum Corporation
 Allegheny Ludlum Industries Inc.
 Allied Chemical Corporation
 Alumax Inc.
 Aluminum Company of America
 Amax Inc.
 American Can Company
 American Cast Iron Pipe Company
 American Telephone & Telegraph Company
 Amsted Industries Inc.
 Armco Inc.
 Asarco Inc.
 Athlone Industries Inc.

Atlantic Richfield Company
 Atlantic Steel Company
 Babcock & Wilcox Company
 Bethlehem Steel Corporation
 Budd Company
 Cabot Corporation
 Cargill Inc.
 Carpenter Technology Corporation
 Caterpillar Tractor Company
 Ceco Corporation
 Century Brass Products Inc.
 Chromium Mining & Smelting Corporation
 Clow Corporation
 Colt Industries Inc.
 Connors Steel Company
 Consolidated Aluminum Corporation
 Copperweld Corporation
 Crane Company
 Cyclops Corporation
 Dana Corporation
 Dayton Malleable Inc.
 Dow Chemical Company
 Eastmet Corporation
 Engelhard Minerals & Chemicals
 Ethyl Corporation
 Evans Products Company
 Florida Steel Company
 Ford Motor Company
 GK Technologies Inc.
 General Electric Company
 General Motors Corporation
 Great Lakes Carbon Corporation
 Grede Foundries Inc.
 Gulf & Western Industries Inc.
 Gulf Resources & Chemical Corporation
 Guterl Special Steel Corporation
 Hanna Mining Company—Silicon Division
 Hanna Nickel Smelting Company
 Hayes-Albion Corporation
 Huntington Alloys Inc.
 IC Industries Inc.
 Inland Steel Company
 Inspiration Consol Copper Company
 Interlake Inc.
 International Minerals & Chemical Corporation
 Jim Walter Corporation
 Jones & Laughlin Steel Corporation
 Kaiser Aluminum & Chemical Corporation
 Kaiser Steel Corporation
 Kennecott Corporation
 Keystone Consolidated Industries Inc.
 Korf Industries Inc.
 Laclede Steel Company
 Louisiana Land & Exploration Company
 Lukens Steel Company
 Martin Industries Inc.
 Martin Marietta Corporation
 McLouth Steel Corporation
 Mead Corporation
 Midland-Ross Corporation
 National Distillers & Chemical Corporation
 National Steel Corporation
 National-Standard Company
 Neenah Foundry Company
 Newmont Mining Corporation
 NI Industries Inc.
 Noranda Aluminum Inc.
 Northwest Industries Inc.
 Northwest Steel Rolling Mills Inc.
 Northwestern Steel & Wire Company
 Ohio Ferro-Alloys Corporation
 Olin Corporation
 Outboard Marine Corporation
 Pechiney Ugine Kuhlmann Corporation
 Penn-Dixie Steel Corporation

Phelps Dodge Corporation
 Phoenix Steel Corporation
 Quanex Corporation
 Republic Steel Corporation
 Revere Copper and Brass Inc.
 Reynolds Metals Company
 Roane Electric Furnace Company Inc.
 RSR Corporation
 Satralloy Inc.
 Sharon Steel Corporation
 Shenango Inc.
 SKW Alloys Inc.
 Southwire Company
 St. Joe Minerals Corporation
 Structural Metals Inc.
 Teledyne Inc.
 Tenneco Inc.
 Textron Inc.
 Timken Company
 Tyler Corporation
 Union Carbide Corporation
 United States Steel Corporation
 United Technologies Corporation
 Vulcan Materials Company
 Wabash Alloys Inc.
 Washington Steel Corporation
 Wheeling Pittsburgh Steel Corporation
 White Consolidated Industries Inc.

SIC 34—Fabricated Metal Products

Allegheny Ludlum Industries Inc.—
 Aluminum Company of America
 American Can Company
 American Standard Inc.
 Ampco-Pittsburgh Corporation
 Amsted Industries Inc.
 Babcock & Wilcox company
 Bethlehem Steel Corporation
 Budd Company
 Cameron Iron works Inc.
 Cameron Tool & Supply Company
 Canton Drop Forging & Manufacturing Company
 Combustion Engineering Inc.
 Continental Group Inc.
 Crown Cork & Seal Company Inc.
 Cyclops Corporation
 General Motors Corporation
 Gulf & Western Industries Inc.
 Gulf Coast Machine & Supply Company
 Harsco Corporation
 Inland Steel Company
 International Telephone & Telegraph Corporation
 Jos. Schlitz Brewing Company
 Kaiser Aluminum & Chemical Corporation
 Kohler Company
 Ladish Company
 Litton Industrial Products Inc.
 Martin Marietta Corporation
 National Can Corporation
 National Steel Corporation
 Olin Corporation
 Park-Ohio Industries Inc.
 Remington Arms Company Inc.
 Reynolds Metals Company
 Rockwell International Corporation
 Signal Companies Inc.
 SKF Industries Inc.
 Stanley Works Inc.
 Textron Inc.
 TRW Inc.
 United States Steel Corporation
 Wallace Murray Corporation
 Wyman-Gordon Company

SIC 35—Machinery, Except Electrical

Allis-Chalmers Corporation
 Arkansas Louisiana Gas Company
 Borg-Warner Corporation
 Briggs & Stratton Corporation
 Bucyrus-Erie Company
 Caterpillar Tractor Company
 Clark Equipment Company
 Colt Industries Inc.
 Control Data Corporation
 Cooper Industries Inc.
 Cummins Engine Company Inc.
 Dana Corporation
 Deere & Company
 Digital Equipment Corporation
 Dresser Industries Inc.
 Eaton Corporation
 Federal-Mogul Corporation
 FMC Corporation
 Ford Motor Company
 General Electric Company
 General Motors Corporation
 Harnischfeger Corporation
 Hughes Tool Company
 IC Industries Inc.
 Ingersoll-Rand Company
 International Harvester Company
 International Business Machines Corporation
 Litton Industries Inc.
 Mesta Machine Company
 Outboard Marine Corporation
 Rexnord, Inc.
 Rockwell International Corporation
 SKF Industries Inc.
 Sperry Rand Corporation
 Teledyne Inc.
 Tenneco Inc.
 Timken Company
 Trane Company
 TRW Inc.
 United Technologies Corporation
 Xerox Corporation
 Westinghouse Electric Corporation
 White Consolidated Industries Inc.

SIC 36—Electric, Electronic Equipment

A. O. Smith Corporation
 Airco Inc.
 Allied Chemical Corporation
 American Telephone & Telegraph Company
 Bendix Corporation
 Emerson Electric Company
 Ford Motor Company
 General Cable Corporation
 General Electric Company
 General Motors Corporation
 General Telephone & Electronic Corporation
 Great Lakes Carbon Corporation
 Harvey Hubbell Inc.
 Hughes Aircraft Company
 Johnson Controls Inc.
 Maytag Company
 McGraw-Edison Company
 Minnesota Mining & Manufacturing Company
 Raytheon Company
 RCA Corporation
 Reliance Electric Company
 Rockwell International Corporation
 Square D Company
 Stackpole Carbon Company
 Sunbeam Corporation
 Texas Instruments Inc.
 Union Carbide Corporation
 Westinghouse Electric Corporation
 Whirlpool Corporation
 White Consolidated Industries Inc.

SIC 37—Transportation Equipment

A. O. Smith Corporation
 Avco Corporation
 Bendix Corporation
 Bethlehem Steel Corporation
 Boeing Company
 Borg-Warner Corporation
 Budd Company
 Chrysler Corporation
 Dayton-Walther Corporation
 Eaton Corporation
 Ford Motor Company
 Fruehauf Corporation
 General Dynamics Corporation
 General Electric Company
 General Motors Corporation
 Goodyear Tire & Rubber Company
 Grumman Corporation
 Hercules Inc.
 Hughes Aircraft Company
 Litton Industries Inc.
 Lockheed Corporation
 Martin-Marietta Corporation
 McDonnell Douglas Corporation
 Northrop Corporation
 Pullman Inc.
 Rockwell International Corporation
 Signal Companies Inc.
 Tenneco Inc.
 Textron Inc.
 Thiokol Corporation
 TRW Inc.
 United Technologies Corporation
 Vought Corporation

SIC 38—Instruments and Related Products

Eastman Kodak Company
 GAF Corporation
 Johnson & Johnson
 Minnesota Mining & Manufacturing Company
 Polaroid Corporation
 Warner-Lambert Company

SIC 83—Miscellaneous Manufacturing Industries

Armstrong Cork Company
 Congoleum Corporation

[FR Doc. 81-5918 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-TA-80-11]

**Barber Heavy Oil Process, Inc.;
Issuance of Proposed Decision and Order**

Notice is hereby given that the Economic Regulatory Administration has issued to Barber Heavy Oil Process, Inc. (HOPCO) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the **Federal Register**. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in

the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Barber HOPCO's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

**Department of Energy—Economic
Regulatory Administration****Proposed Decision and Order**

Under the Tertiary Incentive and Incremental Programs

To: Barber Heavy Oil Process, Inc.
(Formerly HOP Corporation),
Houston, Texas

Subject: Designation of Additional
Allowed Expenses for Kern River
Heavy Oil Process Project Pursuant
to the Firm's Supplemental
Application (Docket Number ERA-
TA-80-11)

I. Introduction

On October 15, 1980, Barber Heavy Oil Process, Inc., (HOPCO) a subsidiary of Barber Oil Corporation filed a supplemental application to its Decision and Order issued on March 31, 1980, seeking the qualification of the well costs of vertical injection wells as additional allowed expenses. HOPCO proposes to improve the design of this project by adding these vertical injection wells to supplement the procedures described in the initial application.

II. Background

HOPCO self certified its Kern River Heavy Oil Process Project under 10 CFR 212.78(a)(2) claiming that the EOR technique employed is an enhanced heavy oil recovery technique. Pursuant to IV (B) of the general guidelines to 10 CFR 212.78 on August 8, 1979, HOPCO applied to the Economic Regulatory

Administration for an order designating expenses that would qualify as allowed expenses under the Tertiary Incentive Crude Oil Program.

The ERA issued a Decision and Order dated March 31, 1980, that designated a list of costs that qualified as allowed expenses which included tangible and intangible drilling costs for boreholes. HOPCO now seeks to change the design of its project to expand the list of costs that qualify as allowed expenses.

The firm's August 8, 1979 request outlined a unique enhanced oil recovery technique involving a single 60 inch diameter borehole descending to a 25 foot diameter cavern at the base of the oil strata. Extending from that concrete encased cavern are eight horizontal wells radiating like spokes on a wheel. Steam is injected through the laterals, creating a hot plate. One proposed mode of operation is to inject a preset quantity of steam consecutively into each lateral, followed by a soak period and then a production period. The oil/water emulsion will drain through the appropriate laterals to the cavern, through a header into a sump tank, through an internal pump system for transfer of the oil/water phase to the oil recovery system.

HOPCO now proposes to supplement the system initially proposed by installing vertical injection or steam drive wells in combination with the previously proposed laterals. HOPCO's computer models recommend that optimum performance consists of periodic injection of steam into the base of the oil reservoir from the horizontal laterals together with continuous steam injection to the top of the oil reservoir from the vertical steam drive wells. HOPCO seeks to have the cost of these vertical steam injection wells designated as allowed expenses under 10 C.F.R. 212.78(e)(3).

III. Findings and Analysis

Ordinarily, the costs of vertical injection wells would not be recognized as allowed expenses. However, in this instance the vertical steam injection wells are to be used solely to supplement the lateral wells radiating from the cavern near the base of the large diameter vertical borehole (now expanded to an 84 inch diameter). As such, the vertical injection wells are an integral part of the revised enhanced heavy oil recovery technique. The use of the vertical injection wells is necessary in this case so that the enhanced heavy oil recovery technique to be used on the project can be operated at maximum efficiency. In this way, HOPCO hopes to

achieve the optimum level of production from the project. Accordingly, ERA proposes to designate the cost of these vertical steam injection wells as an allowed expense under 10 CFR 212.78.

IV. Comment Procedures

10 CFR 205.98 requires that this Proposed Decision and Order be published in the *Federal Register* and sets forth the procedures for objection or comment. Objections or comments must be received by the designated office in ERA on or before March 25, 1981 of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The following expenses are declared to be allowed expenses as defined in 212.78(c) for the Kern River Heavy Oil Process Project located in the Helm and Smith Master Lease in the Kern River Field, California:

a. The well costs (as defined in 212.78(c)) of vertical injection wells.

2. This designation is based on the presumed validity of statements, assertions, and documentary materials submitted by HOPCO. It is further based on our understanding that all actual and projected costs reported by HOPCO represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all costs, revenue and production estimates are reasonably accurate. The order may be revoked or modified upon a determination that the factual basis underlying the order is incorrect.

3. Pursuant to this order, any qualified producer with respect to this project may use any allowed expenses specified herein, so long as such producer pursues the heavy oil process project on the property, as described in this Proposed Decision and Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 81-6185 Filed 2-20-81; 9:25 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-80-12]

Carmel Energy, Inc.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Carmel Energy, Inc. (Carmel) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(a)(2) of the Tertiary Enhanced Recovery Program. Under the Provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the *Federal Register*. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Houston's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Department of Energy Reading Room, Room GE-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Department of Energy

Economic Regulatory Administration

Proposed Decision and Order Under the Tertiary Incentive Program

To: Carmel Energy, Inc., Houston, Texas
Subject: Designation of a Qualified Producer and Allowed Expenses Pursuant to 10 CFR 212.78(e)(2) for Vernon County, Missouri Modified In-Situ Combustion Project (EF-217) [Docket Number ERA-TA-80-12]

I. Introduction

On September 29, 1980, Carmel Energy, Inc. (Carmel) of Houston, Texas submitted an application for an order designating it as a qualified producer engaged in a tertiary project that involves high levels of risk and cost and designating allowed expenses with respect to that project. The designation as a qualified producer and the requested allowed expenses are sought under 10 CFR 212.78(e)(2) for a project which does not employ a self-certifiable enhanced oil recovery (EOR) technique.

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 22.78 to establish the Tertiary Incentive Program ("incentive program"). In general, this program permits qualified producers which are engaged in EOR projects to recover a portion of the costs associated with such projects. Section 212.78(e)(2) authorizes ERA to issue an order that designates a firm as a qualified producer if the firm is engaged in a tertiary project that involves high levels of risk and cost, and specifies what the allowed expenses will be with respect to that project. An allowed expense is seventy-five percent of an environmental expense (as defined in section 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in section 212.78(c)), and seventy-five percent of an expense listed in the Appendix to section 212.78 or in an order issued pursuant to either section 212.78(e)(2) or 212.78(e)(3). As provided in ERA's General Guidelines on Tertiary Enhanced Recovery Projects (Guidelines), when applying for issuance of an order pursuant to § 212.78(e)(2), a producer must demonstrate that it is employing an EOR technique which involves high levels of risks and cost, and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity.

On September 11, 1979, Carmel filed a similar application, EF-002, pertaining to property in Township 35N—Range 33W in Vernon County, Missouri. In all respects, other than location, application number EF-002 is identical to this September 29, 1980, application which has been identified as application number EF-217. On April 23, 1980, a Decision and Order was issued with respect to application number EF-002 that designated Carmel as a qualified producer and specified the allowed expenses under that project. Project number EF-217 applies to property in Township 34N—Range 33W

approximately four miles south of the location of project number EF-0.

III. Findings and Analysis

The application for ERA certification for project number EF-217 seeks to have Carmel designated as a qualified producer and to allow the recoupment of certain costs under the provisions of 10 CFR 212.78(e)(2). The application concerns a heavy oil recovery project located in Township 34 North—Range 33 West in Vernon, County, Missouri. Carmel states that all aspects of project number EF-217 are identical to project number EF-002, except that the location of the properties, and the identity of Carmel's partners are not identical. Accordingly, the analysis and findings reached in our April 23, 1980, Decision and Order apply to this application as well.

The project area is underlain by shallow sandstone reservoirs containing heavy oil. Such reservoirs are known to exist throughout a large area of southwestern Missouri, southeastern Kansas, and northeastern Oklahoma. They have been estimated to contain some 50 billion barrels of heavy crude oil with gravities ranging from 13° to 21° API.

Primary and secondary production are virtually nonexistent in the entire Missouri area due to extremely low natural oil production rates. Conventional secondary recovery methods are not feasible due to the high viscosity of the oil and the relatively high reservoir flow resistance.

Carmel has stated, and it is commonly known, that tertiary enhanced oil recovery techniques have been previously attempted in the area by other companies. The methods employed have included steam injection, in-situ combustion and surfactant recovery. All the attempts were economic failures. Carmel has developed an oil recovery techniques which it believes will be economically feasible with respect to the type of oil reservoirs in the project area.

In Carmel's process, fuel oil is burning with a stoichiometric amount of air in a totally contained combustion chamber at high pressure (up to 900 psig) to produce a hot gas mixture (3600-4000 degrees F°) containing predominantly nitrogen, carbon dioxide and water, and small quantities of nitrogen oxides and sulfur oxides (when sulfur is present in the fuel oil). These hot gases, while still contained in the combustion vessel under pressure, are then quenched with water to reduce the temperature to 600-700 degrees F° to produce large quantities of superheated steam.

The entire gas steam containing predominantly superheated steam, nitrogen, and carbon dioxide is then injected into a well for heating the reservoir to increase the recovery rate of the heavy oil. Corrosion controlling chemicals are added to the water quench section of the combustion vessel to react with SO₂ and NO_x and to convert them to soluble salts prior to injection.

These soluble salts and any alkali earth metal compounds are removed from the water quench section on a periodic basis and allowed to evaporate in an evaporation pond. The resulting salts are then disposed of as necessary. Due to the unique design of the equipment, there is no flue gas to be vented into the atmosphere. Hence, there is no deterioration of air quality at the generation point. All the products of combustion are injected into the heavy oil bearing reservoir, except those sulphur and nitrogen oxides removed as salts.

The equipment produces approximately 12 million BTU per hour of heat containing about 560 barrels per day of steam (as condensed water) and 2.8 million standard cubic feet per day of nitrogen and carbon dioxide. The oil recovery process which Carmel proposes to employ is the subject of several patents and has been designated the "Vapor-Therm" process or technique. The Vapor-Therm technique has been recognized as an EOR technique by the Department of Energy (DOE) in two prior demonstration contracts. Various components of the Vapor-Therm process are the subject of five patents issued by the United States and Canadian Patent Offices.

Under the first contract, Carmel tested its technology as an EOR cyclic stimulation process for recovering heavy oil from the Bartlesville sandstone reservoir in the Carlyle Field in southeastern Kansas, and was so recognized in its early DOE certified project EF-002.

Before issuing an order finding a producer to be a qualified producer engaged in a tertiary project and allowing the offset of certain project costs, Section 212.78 requires that ERA must determine that:

1. The producer has an interest in the properties on which the project is located;
2. The producer contributes to the initiation or expansion of the project which is the subject of the application;
3. The project employs a tertiary enhanced recovery technique;
4. The application of that technique involves high levels of risk and costs; and

5. The offset of certain costs is required to make the project an attractive investment opportunity.

Carmel has provided information stating that the producers in this project hold a working interest in the leases on which the Vapor-Therm project is being undertaken. The leases are listed in the ordering paragraphs of this Proposed Decision and Order. On the basis of the information submitted by Carmel, ERA has determined that Carmel does have interests in the properties on which the Vapor-Therm project is located, and, thus, satisfies the first requirement for becoming a qualified producer.

The materials submitted by Carmel with its application indicate that it is undertaking a program of investment on the designated properties for the purposes of carrying out the recovery of crude oil through the Vapor-Therm process. Allowing for some program changes as a result of core tests and reservoir characteristics disclosed as application of the oil recovery technique progresses, the total capital expenditure will be approximately \$3.5 million. On the basis of information supplied by Carmel, we have determined that Carmel is contributing to the initiation of an oil recovery project which is the subject of its application to ERA, and, therefore, satisfies the second requirement for designation as a qualified producer.

Following an engineering and evaluation program to determine the optimum location for undertaking oil recovery operations, flue gas and steam are to be generated in a pressure vessel by burning fuel and air and partially quenching the combustion products by water injection. After suitably treating the effluent flue gas and steam, the fluid will be injected into the oil reservoir through injection wells equipped to handle heated fluids. The injectants are designed to heat the oil in the reservoir, reduce its viscosity and permit its displacement toward recovery wells. Oil recovery may be accomplished through offset producing wells or periodically through the former injection well or through both producing and injection wells.

Our evaluation of the Vapor-Therm process, which Carmel proposes to employ in the Vernon County project, leads us to conclude that the process is in some respects closely allied to in-situ combustion, which is a self-certifiable enhanced oil recovery technique under Section 212.78. The Vapor-Therm process could be regarded as a wet in-situ combustion technique, although the local of combustion is on the surface rather than in the oil bearing formation. On the basis of the above

considerations, we have determined that the Vapor-Therm process is a tertiary enhanced recovery technique within the intent of 10 CFR 212.78.

The materials submitted by Carmel with its application recite a number of attempts made by other producers to employ tertiary enhanced recovery techniques for the recovery of crude oil from the known reservoirs of Western Missouri. Conventional steam injection, in-situ combustion and surfactant (microemulsion) flooding have been tried. These techniques have been economic failures because of three principal technical risks; exceedingly low reservoir pressures, the high viscosity of the oil and the relatively high flow resistance of the reservoir rock to the crude oil in the Eastburn-Cherokee Field. The Vapor-Therm process will be successful only if there is adequate viscosity reduction due to heat and CO₂ solubility, to provide sufficient oil mobility to permit economic oil recovery rates.

Significant problems with sand production, water/oil emulsions, surface handling of produced fluids, injectivity of Vapor-Therm gases and gas leakage during production will be confronted by Carmel. The discussion of these risks in Carmel's submittal and the history of failure have persuaded us the Vernon County project is attended by high levels of technical risks of failure and associated high costs of installation and operation of the Vapor-Therm technique.

After considering the financial materials submitted by Carmel and the offset of the several risks (which could well reduce the theoretical production levels by 50 percent or more), we believe that Carmel's Vapor-Therm project would not be an attractive investment opportunity in the absence of incentives.

Since the Vapor-Therm process can be regarded as a wet in-situ combustion technique, we have determined that the approved costs for the Vernon County project should include those allowed for self-certifiable in-situ combustion projects (see Appendix to Section 212.78). In other respects, however, the EOR technique to be utilized at the Vernon County project departs substantially from the typical in-situ combustion technique, both as to the configuration of the recovery mechanism and as to the type and security of the technical risks confronted by the Vernon County project. In view of the extraordinary risks associated with the Vapor-Therm technique, it is our

opinion that the Vernon County project will require the recovery of additional expenses in order to be an attractive investment opportunity. Therefore, we are proposing to designate as allowed expenses the costs of the pressure vessels (Vapor-Therm units).

IV. Comments Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA on or before March 25, 1981 of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. The Carmel Energy Corporation of Houston, Texas is certified as a qualified producer with respect to the properties named below located in the Eastburn-Cherokee Field, Township 34 North—Range 33 West in Vernon County, Missouri:

Lessor	Description of lease	Gross acres
M. J. Jenkins	Sec. 16, N/2 NW/4	80.00
B. D. Yoos	Sec. 21: NE/4/NE/4, SE/4/S/2NE/4, Sec. 22: W/2SW/4, SE/4SW/4, SE/4NW/4, NE/4NW/4, SW/4NE/4, NW/4SE/4, SW/4NW/4, 4 acres in NE/4NW/4, SW/4SE/4	720.00
	Sec. 27: NW/4NE/4, NE/4NW/4	
	Sec. 30: N/2 Lot 5 of NW/4	
R. E. Yoos	Sec. 15: SW/4NW/4, and the north two rods of the SE/4NW/4	395.00
	Sec. 16: N/2NE/4, and the north 15 acres of the SE/4NE/4, except 10 acres in the southeast corner thereof 50 rods north and south by 32 rods east and west	
	Sec. 28: 30 acres in the NE/4 described as all of the W/2NE/4NE/4 and all that part of the NW/4NE/4 lying east of Drywood Creek in Sec. 28	
	Sec. 30: SE/4 except the east twenty feet thereof	
	Sec. 34: NE/4SE/4 except for a tract described as follows: begin 435 ft. west of the	
	southeast corner of the NE/4SE/4 of said Sec. 34, run thence north 100 ft., thence west 250 ft., thence south 100 ft. to the south line of said quarter-quarter, then east along the south line of said quarter-quarter to the place of beginning	
F. A. DeCuyper	Sec. 15: SW/4NW/4; and the north two rods of the SE/4NW/4	795.00
	Sec. 16: N/2NE/4, and the north 15 acres of the SE/4NE/4, SW/4NE/4 except 10 acres in the southeast corner thereof 50 rods north and south by 32 rods east and west	
	Sec. 21: SE/4, S/2NE/4	
	Sec. 22: W/2SW/4, SE/4SW/4, SE/4/NW/4, NE/4SW/4, SW/4NE/4, NW/4SE/4, SW/4NW/4	
	Sec. 27: NE/4NW/4	
	Sec. 28: 30 acres of the NE/4 described as all of the west half (W/2) of the northeast quarter of the northeast quarter (NE/4NE/4) and all that part of the northwest quarter of the northeast quarter (NW/4NE/4) lying east of the Drywood Creek in Section 28	
M. C. Hartzfield	Sec. 15: W/2SW/4 and SE/4SW/4 and SW/4SE/4	599.00
	Sec. 23: SE/4SW/4	
	Sec. 24: S/2SE/4 and S/2SW/4	
	Sec. 26: NE/4 and E/2NW/4	
C. L. Holland	Sec. 15: The south 35 acres of NE/4SW/4	35.00
H. M. Francis	Sec. 13: NW/4, Sec. 14: NE/4	320.00
C. M. Martin	Sec. 13: S/2 and NE/4, Sec. 14: N/2NE/4	560.00
E. L. Martin	Sec. 13: NE/4	160.00
D. Leist	Sec. 20: SE/4	160.00
E. L. Smith	Sec. 23: E/2NW/4, W/2NE/4, NE/4NE/4	200.00
V. D. Worsley	Sec. 23: SE/4, Sec. 24: S/2NW/4, N/2SW/4	320.00
W. Johnson	Sec. 30: W/2NE/4	80.00
W. Johnson	Sec. 29: E/2SW/4W/2SE/4	160.00
C. H. Earl	Sec. 29: W/2NE/4	80.00
J. R. Linn	Sec. 29: E/2NE/4, Sec. 32: NW/4 (less 1 acre); and NE/4SW/4 and NW/4SE/4	319.00
E. Hope	Sec. 30: NW/4, Sec. 28: SE/4SE/4 and W/2NE/4SE/4, Sec. 30: 27.33 acres of NE/4NE/4	259.33
R. W. Cliffman	Sec. 27: NW/4NW/4	40.00
R. N. Garton	Sec. 25: SW/4, Sec. 35: except for 8.13 acres in the SE corner	311.87
G. Henson	Sec. 34: N/2SE/4SE/4, Sec. 35: 8.13 acres	28.13
W. Worsley	Sec. 35: E/2NE/4, SW/4NE/4, and E/2SE/4 NW/4, Sec. 36: S/2NW/4	220.00
H. A. Irwin	Sec. 36: W/2SE/4	80.00
F. I. Dickey	Sec. 31: N/2 of Lot 1 of SW/4 and E/2N/2 of Lot 2 of SW/4 and S/2 of Lot 1 of NW/4 and E/2S/2 of Lot 2 of NW/4	40.00

2. Except as otherwise indicated in each paragraph below, seventy-five percent of the following expenses are declared to be allowed expenses as defined in 212.78(c) for the Vapor-Therm project undertaken by Carmel Energy.

Inc. in the Eastburn-Cherokee Field in Missouri:

a. The allowed costs as defined in 212.78(c) for in-situ combustion as stated in the Appendix to Section 212.78.

b. The allowed costs for engineering and laboratory and environmental expenses as defined in 212.78(c).

c. The costs of pressure vessels (Vapor-Therm units) used for the generation of flue gas and steam, including valves, regulators, control devices, insulation, etc., necessary to generate the injected fluid, provided that with respect to any particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation reportable to the IRS with respect to such costs for that year.

In all other respects, Carmel's application for the designation of allowed expenses is hereby denied.

3. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Carmel. It is further based on our understanding that all actual and projected costs reported by Carmel represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

4. Pursuant to this Order, any producer that certifies to the Economic Regulatory Administration that it has an interest in a property on which this project is located and that it contributes to the initiation or expansion of this project shall be considered a qualified producer with respect to this project and hereby may recover pursuant to the requirements of 10 CFR 212.78, all allowed expenses specified herein which were incurred and paid since August 21, 1979, so long as such producer pursues the Vapor-Therm process project number EF-217 on the properties, as described in this Proposed Decision and Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 81-0186 Filed 2-20-81; 9:25 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-80-10]

Shell Oil Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Shell Oil Company (Shell) a proposed Decision and Order in response to its application for designation of additional allowed expenses pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the Federal Register. Interested parties have until March 25, 1981 to submit objections or comments. Upon review of any matters submitted, the ERA may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Shell's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Department of Energy Economic Regulatory Administration

Proposed Decision and Order Under the Tertiary Incentive Program

TO: Shell Oil Company, Los Angeles, California.

SUBJECT: Designation of Additional Allowed Expenses for the Coalinga Steam Injection Project located in Fresno County, California (Docket Number ERA-TA-80-10).

I. Introduction

On March 6, 1980, the Shell Oil Company (Shell) of Los Angeles, California, submitted a self-certification application for its Enhanced Oil Recovery (EOR) project located on the Coalinga Field in Fresno County, California (Coalinga Project). On April 22, 1980, Shell submitted an application for an order designating certain additional expenses associated with the Coalinga Project as allowed expenses pursuant to 10 CFR 212.78(e)(3).

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits qualified producers which are engaged in EOR projects to recover a portion of the costs associated with such projects. Section 212.78(e)(3) authorizes ERA to issue an order designating, with respect to a self-certifiable EOR technique being used on a self-certified property, allowed expenses in addition to those based on environmental expenses, engineering and laboratory expenses, or expenses listed in the Appendix to Section 212.78. An allowed expense is seventy-five percent of an environmental expense (as defined in Section 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in Section 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78 or allowed by order issued pursuant to either § 212.78(e)(2) or 212.78(e)(3).

III. Findings and Analysis

On March 6, 1980, Shell submitted an application to ERA to self-certify itself as a qualified producer with respect to the Coalinga EOR project. On April 22, 1980, Shell submitted an application for a Decision and Order to recover certain additional expenses associated with the Coalinga Project. The application specifically requests that the costs resulting from use of insulated tubulars be considered allowed expenses.

The insulated tubulars that Shell proposes to employ consist of two strings of standard oil field tubulars and connections. Each joint contains an

outer (threaded) and inner (plain) tubular which are matched to each other and factory welded together through thermal expansion bellows located at each joint end. This system thereby separates thermal loads developed by the inner string and mechanical loads carried by the outer string. The annular area between the two strings is filled with multi-layered insulation consisting of radiation shields and anti-convection scrim fibrous glass. The annulus is evacuated to reduce heat loss by conduction and hermetically sealed by factory welding. Use of such tubulars allows more efficient transfer of the heat generated at the surface and thus enables the steam entering the reservoir to be of a higher quality than uninsulated operations would permit. As a result of this more efficient use of available steam, crude oil production rates should be higher.

Costs associated with the use of the insulated tubulars in the project amount to \$3,337,000.00. It is projected that these costs will be offset by savings in steam costs in about five years, if the technique is successful, assuming reasonable operation and maintenance costs during the period. The tubulars, however, have little history on which to base expectations of success. The possibility of leakage and corrosion are ever present in standard steam injection operations and may be considerably greater in operations that employ insulated tubulars. Additionally, the weight and size (diameter) of the individual tubings may pose difficulties with respect to their installation.

The General Guidelines to 10 CFR 212.78 state that ERA may grant requests to permit recoupment of expenses other than those specified in the Appendix to 10 CFR 212.78, provided that the producer has demonstrated that an EOR technique is being employed which involves high levels of risks and costs, and that the offset of these additional costs is necessary to make the use of that technique an attractive investment opportunity. Additionally, ERA considers the degree to which the recovery of these additional costs will be a stimulus for promoting rapid technical and commercial advances in EOR techniques.

ERA has determined that the use of insulated tubulars represents a technical innovation which involves high levels of cost and risk. Although the costs of the insulated tubulars potentially could be satisfied by the increased production of incremental oil, ERA believes the element of uncertainty to be so great the use of the insulated tubulars in the project will be an unattractive

investment opportunity unless Shell can recover a portion of the costs associated with the insulated tubulars. Accordingly, ERA is proposing that certain costs associated with the use of the tubulars identified in the ordering paragraphs be designated as allowed expenses pursuant to 10 CFR 212.78(e)(3).

IV. Comment Procedures

10 CFR 205.98 requires that this proposed Decision and Order be published in the *Federal Register* and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated office in ERA on or before March 25, 1981. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses are declared to be allowed expenses with respect to the Coalinga Project undertaken by Shell in Fresno County, California:

- Costs of fabrication of double walled insulated tubing for the 43 injector wells.
- Costs of special casings to accommodate double walled thermal packers.
- Costs of thermal packers to be used with the double walled insulated tubings.

In all other respects Shell's request for the designation of additional allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Shell. This Order may be revoked or modified upon a determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the Coalinga Project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979, so long as such producer is engaged in the project described in this Order.

Issued in Washington, D.C., on February 19, 1981.

T. Wendell Butler,
Acting Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 81-8187 Filed 2-20-81; 9:25 am]
BILLING CODE 6450-01-M

American Pacific International, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to American Pacific International, Inc., 700 S. Flower Street, Los Angeles, CA 90017. This Proposed Remedial Order charges American Pacific International, Inc. with pricing violations in the amount of \$380,949.34, connected with the resale of motor gasoline during the time period January 14, 1974 through March 31, 1974, and \$252,135.64 connected with the first sale of crude oil during the time period January 1, 1974 through March 31, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, CA 94105, phone (415) 764-7038. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in San Francisco, CA, on the 30th day of January, 1981.

Lon W. Smith,
District Manager Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 81-5924 Filed 2-20-81; 8:45 am]
BILLING CODE 6450-01-M

Golden Eagle Refining Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Golden Eagle Refining Co., Inc. 707 Wilshire Blvd., Los Angeles, CA 90017. This Proposed Remedial Order charges Golden Eagle with pricing violations in the amount of \$288,555.00 connected with the sale of low sulfur fuel oil in January 1974 in the State of California.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Lon W.

Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, phone (415) 764-7038. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR § 205.193.

Issued in San Francisco, CA, on the 11th day of February 1981.

Lon W. Smith,

District Manager of Enforcement, Western District.

[FR Doc. 81-5925 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Hendel's 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 (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, Massachusetts 02114.

SUPPLEMENTARY INFORMATION: "On December 31, 1980, the Office of Enforcement of the ERA executed a Consent Order with Hendel's, Inc. (Hendel's) of Waterford, Connecticut. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Hendel's with its home office located in Waterford, Connecticut, is a firm engaged in the sale and allocation of Motor Gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Hendel's, the Office of Enforcement, ERA and Hendel's entered into a Consent Order, the significant terms of which are as follows:

1. During the period January 1, 1979 through January 31, 1980, Hendel's recovered in its sales of gasoline revenues in excess of amounts allowed if selling prices were calculated in accordance with the applicable price rule 10 CFR 212.93, (as preceded by 6

CFR 150.359) which states that "a seller may not charge a price for any item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned."

2. The amount that Hendel's overcharged and the applicable interest is as follows:

Class	Amount	Interest thru Nov. 30, 1980	Total
Dealer.....	\$134,231	\$21,651	\$155,882

In addition, interest for the period December 1, 1980 to the date of restitution shall be computed and added at the rate of 11.74 percent per annum.

3. In consideration of Hendel's implementation of the terms and conditions of this agreement, DOE releases Hendel's in connection with any claim pursuant to 10 CFR Section 212 for pricing matters in sales of motor gasoline during the period from January 1, 1979 through June 30, 1980 provided, however, that DOE expressly reserves the right to take further action with respect to the matters contained herein if the terms and conditions of this Consent Order are violated. This Consent Order will be effective upon signature of the duly authorized representatives of Hendel's and DOE.

4. This Consent Order does not constitute an admission by Hendel's of having violated DOE Regulations.

II. Disposition of Matters Covered by This Consent Order

Hendel's shall, within thirty (30) days after the effective date of this Consent Order, deliver a certified check in the sum of \$115,882.00 plus additional interest accrued from December 1, 1980 to the date of restitution made payable to the United States Department of Energy. Delivery shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, Room 5302, 2000 M Street, NW., Washington, D.C. 20461, Attn: Refund Coordinator. The Assistant Administrator for Enforcement, ERA, shall direct that these monies be deposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations. If the money is deposited into an account established with the Treasury Department, it is understood that, with respect to both the principal in such an account and the interest to be credited to such an

account, the Treasury Department would not act as a guarantor, or otherwise assume such responsibilities or obligations with respect to such sums. If the money is deposited into a private bank, it is understood that the bank would not act as a guarantor of the funds, although these funds may be protected by the Federal Deposit Insurance Corporation.

This Consent Order is a final order of DOE, and in consideration of DOE's agreement to the aforementioned terms and in accordance with 10 CFR Section 205.199(b), Hendel's hereby expressly waives its rights to appeal or to obtain judicial review of this Order. The provisions of 10 CFR Section 205.199 are applicable to this Consent Order and are incorporated by reference herein.

In reliance on this Consent Order, and in accordance with 10 CFR Section 205.203, the ERA of the DOE hereby accepts \$3,500 in civil penalties with respect to the overcharges cited in this Consent Order. Hendel's agrees to pay the above amount by delivery of a certified check payable to the Department of Energy within ten (10) days after the effective date of this Consent Order.

III. Submission of Written Comments

A. Potential Claimants: Because of the procedure for refund described above, interested persons who believe that they have a claim to all or a portion of the refund amount held by DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notice to the ERA at this time is requested primarily for the purpose of identifying potential claims to the refund amount. After potential claims are identified, procedures for proof of claims may be established. Failure to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or for the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Hendel's.

You should send your comments or written notification of a claim to Edeard F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this

Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Hendel's, Inc. Consent Order". We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on March 25, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 16th day of January 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement,

[FR Doc. 81-5626 Filed 2-20-81; 9:45 am]

BILLING CODE 6450-01-M

Lewtex Oil and Gas Co.; 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 11, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On August 13, 1979, the Office of Enforcement of the ERA published notification in the *Federal Register* that it executed a Consent Order with Lewtex Oil and Gas Company (LOG) of Breckenridge, Texas on July 31, 1979, 44 FR 47396 (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 LOG 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, LOG is refunding the sum of \$189,744 plus interest by certified checks made payable to the United States Department of Energy within 18 months of the effective date of the Consent Order. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following person submitted a claim to the ERA: The Warren Petroleum Company, A Division of Gulf Oil Company.

Action Taken: The ERA is unable to identify readily the persons entitled to receive the \$189,744 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 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.*, to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17 day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-5927 Filed 2-20-81; 9:45 am]

BILLING CODE 6450-01-M

Palo Pinto Oil and Gas Co.; 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 13, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On July 16, 1979, the Office of Enforcement of the ERA published notification in the

Federal Register executed a Consent Order with Palo Pinto Oil and Gas Company (PPO) of Wichita Falls, Texas on June 28, 1979, 44 FR 41286 (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 PPO 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, PPO refunded the sum of \$529,000—a principal amount of \$434,822, and interest of \$94,178—by certified checks made payable to the United States Department of Energy. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution.

The ERA received no timely claims to the refunds.

Action Taken: The ERA is unable to identify the persons entitled to receive the \$529,000 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 13, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.*, to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-5900 Filed 2-20-81; 9:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of

the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory Petroleum Price and Allocation Regulations. Among other matters, the consenting firms agree to make proper restitution for overcharges on each

grade of gasoline and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Thomas M. Holleran, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, NW, Washington, DC 20461,

telephone number 202-653-3569.

Issued in Washington, DC on the 12th day of February, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Northeast District				
Dick's Lower Cape Gulf Service, Inc.	130 Bradford Street, Provincetown, MA 02657	7/31/80	7.3	\$3,570.00
Hom's Marina (Texaco)	Seagull Road, Chatham, MA 02633	8/4/80	7.9	466.00
Therens & Sons Texaco	3599 Mendon Road, Cumberland, RI 02864	8/4/80	5.2	1,118.00
Sandwich Gulf	Route 6A and Jarvis Sts., Sandwich, MA 02563	8/21/80	1.9	427.00
Caron & Sons Mobil	Route 3, Merrimack, NH 02054	8/25/80	1.0	3,285.00
Richert Service, Inc.	850 New Scotland Ave., Albany, NY 12208	8/4/80	5.0	150.00
Consolidated Yachts, Inc.	157 Pilot Street, City Island, NY 10454	8/1/80	9.1	913.80
Marine Basin Marina	1900 Shore Parkway, Brooklyn, NY 11214	8/6/80	1.1	100.00
Treasure Island Marine Basin	2680 Ocean Avenue, Seaford, NY 11783	8/6/80	1.6	100.00
Riverdale Auto	377 Riverdale Ave., Yonkers, NY 10705	8/11/80	4.7	481.00
Andy's Marine Service	Island Park Place and Sheridan Ave., Island Park, NY 11558	8/11/80	1.6	406.00
Pascack Exxon	Pascack Rd. and Old Nyack Turnpike, Spring Valley, NY	8/13/80	5.5	420.00
The Car Hospital	244 Forest Ave., Locust Valley, NY 11560	8/19/80	1.6	336.00
Viking Marina	3678 Ocean Avenue, Seaford, NY 11783	8/19/80	19.6	100.00
Great Kills Boat Yard & Marina	183 Mansion Ave., Staten Island, NY	8/19/80	1.4	300.00
Goshen Shell Service	Greenwich and Green Sts., Goshen, NY	8/19/80	4.1	579.00
C&C Yachts, Inc.	41 Deignon Blvd., Bayshore, NY	8/22/80	28.9	387.00
Crow's Nest Marina	495 Wood Street, Oceanside, NY	8/22/80	9.6	394.00
Milton P. Enstine & Son, Inc.	635 Hill Street, Southampton, NY	8/20/80	4.1	1,000.00
Alex's Garage	Montauk Highway and Tolson Road, East Hampton, NY	8/22/80	5.7	1,500.00
Montauk Marine Basin	West Lake Drive, Montauk, NY	8/21/80	2.7	1,000.00
Marshall & Sons Service Station	Box MM, Montauk, NY	8/21/80	2.8	2,000.00
John J. Peters Service Station	Main and Brick Kiln Rd., Sag Harbor, NY	8/22/80	3.9	1,125.00
Booker Enterprises of Hempstead	665 Peninsula Blvd., Hempstead, NY	8/28/80	2.3	3,774.00
Chesapeake Phillips 66	Chesapeake Boat Yard, Chesapeake City, MD	8/13/80	4.1	407.00
John G. Schaefer	Delaware City Marina, Delaware City, DE	8/18/80	9.3	478.00
H. R. Papper, B.F.G. Marina, Arco	R.D. No. 1, Central City, PA	8/4/80	16.7	1,161.00
Bill's Marine Service	Star Route 1, Box 104, Oakland, MD	8/5/80	2.3	1,331.00
James Holland, Francis Sweeney S&H Marina, Texaco	Box 8, McHenry, MD	8/5/80	5.3	1,378.00
Richard H. Parker, Arco	5000 Butler Street, Lawrenceville, PA	7/28/80	3.3	3,995.00
Cam's Servicenter	693 Peninsula Blvd., Hempstead, NY	9/2/80	6.7	4,004.00
Mayer Boat Works	20-08 119 St., College Point, NY	9/2/80	11.1	1,139.00
Pell's Fish Dock and Marina	Shinnecock Inlet, Hampton Bays, NY	8/26/80	2.1	569.00
Townsend Manor Inn	Main Street, Greenport, NY	8/26/80	9.8	2,486.00
Corr's Marina Cove	9 Canoe Place Rd., Hampton Bays, NY	9/3/80	4.8	992.00
Nick's Marina	Bayberry Avenue, Merrick, NY	9/5/80	5.6	689.00
Raul's Service Station	234 East Merrick Rd., Freeport, NY	9/8/80	9.4	4,072.00
Anloe Service Station	655 East Jericho Turnpike, Huntington Station, NY	9/8/80	4.0	245.00
Artie's Service Centers	228 Myers Corners Rd., Wappinger Falls, NY	9/10/80	4.9	2,049.00
W. W. Williams Co.	600 Greentree Road, Pittsburgh, PA	9/11/80	9.2	290.00
Causeway Boat Livory	R.D. No. 1, Espyville, PA	8/8/80	10.5	568.00
Richard J. Parker	500 Butler St., Pittsburgh, PA	7/28/80	3.3	1,700.00
Chautaugus Lake Boat Yard	R.D. No. 2, Mayville, NY	8/28/80	5.6	1,126.00
Stirling Harbor Shipyard & Marina	Manhasset Ave., Greenport, NY	8/25/80	17.1	4,855.00
Amity Harbor Marina	30 East Merrick Rd., Amityville, NY	9/15/80	7.6	214.00
Strong's Mattituck Marina	Camp Mineola, Mattituck, NY	8/28/80	1.1	157.00
Monte's Marina	10 Public Highway, Bellmore, NY	9/18/80	6.3	100.00
Riverview Yacht Basin	18 Patten St. Ext., Rochester, NY	9/17/80	5.0	323.00
All Points Exxon	412 Route 59, West Nyack, NY	9/25/80	11.1	4,011.00
Malloy Enterprises Inc.	Bay Street, Sag Harbor, NY	9/29/80	1.9	377.00
Mattituck Fishing Station & Marina	Naugles Drive, Mattituck, NY	9/30/80	4.3	100.00
Normal Sylvester	Washington and Hannun Street, West Chester, PA	9/30/80	1.4	351.00
William Reynolds	State Rd. and Lansdowne Avenue, Upper Darby, PA 19082	9/30/80	3.2	436.00
Goat Island Marina	Goat Island, Newport, RI 02840	9/10/80	13.0	1,643.00
Dick's Arco	750 Lancaster Avenue, Reading, PA 19607	10/9/80	7.3	2,657.00
Bend, Inc., Bend Boat Basin	Route 114 Melville, Newport, RI 02840	10/7/80	23.7	3,744.00
Tristle Landing	Route 14, Sodus Point, NY 14555	10/7/80	7.5	159.00
Braddock Bay State Marina	9 Lakeland Beach, Kendall, NY 14476	10/9/80	13.7	175.00
Port of Egypt Marine	Route 25, Southold, NY 11971	10/16/80	19.1	2,559.00
Great River Marine	520 Shore Drive, Oakdale, NY 11769	10/20/80	7.6	464.00
East Meadow Amoco	1878 Hempstead Turnpike, East Meadow, NY 11554	10/20/80	3.3	481.00
Howie's Marina	445 Vanderbilt Blvd., Oakdale, NY 11769	10/30/80	6.7	766.00
Costawo Mobil	Easton and Meetinghouse Road, Horsham, PA 19044	10/30/80	4.5	340.00
Spag's Ashland	808 S. Chestnut St., Clarksburg, WV 26301	10/3/80	3.3	119.00
Washington, D.C., Metropolitan Area				
Queenstown Exxon	3200 Queens Chapel Rd., Hyattsville, MD 20783	1/2/80	3.8	\$979.18
South Dakota Shell	5585 South Dakota Ave., Washington, DC 20013	1/2/80	9.1	1,828.32
Riverdale Mobil	5701 Riverdale Road, Riverdale, MD 20840	1/3/80	1.3	927.93
Brookland Shell	3702 12th Street, NE, Washington, DC 20017	1/8/80	3.4	1,057.15
Belway Plaza Car Wash	7906 Cherrywood Lane, Greenbelt, MD 20770	1/10/80	2.9	337.01
Aspen Hill Amoco, Inc.	13800 Georgia Avenue, Silver Spring, MD 20906	1/17/80	2.0	1,189.06
Silver Spring Amoco	7601 Georgia Avenue, Silver Spring, MD 20910	1/17/80	1.0	116.53

Consent Orders Issued

Station	Address	Issue date	Highest conts gallon violation	Total violation and penalty
Washington, D.C., Metropolitan Area—Continued				
Dodson's Rockville Texaco	369 Hungerford Drive, Rockville, MD 20850	1/18/80	2.4	435.62
Annandale Shell	7413 Little River Turnpike, Annandale, VA 22003	1/22/80	5.0	752.76
Sunderland Shell	7131 Columbia Pike, Annandale, VA 22003	1/23/80	3.0	383.37
Fred's Service Center	801 Hungerford Drive, Rockville, MD 20850	1/29/80	3.1	1,369.77
Central District				
Lodge of the Four Seasons Marina	P.O. Box 215, Lake Ozark, MO 65049	8/2/80	5.9	\$1,470.70
Dix & Champaign Shell Service	2575 Dix Road, Lincoln Park, MI 48148	8/4/80	4.9	3,526.91
Dickie Dee Marina	5709 Dixie Highway, Fair Haven, MI 48023	9/12/80	2.6	395.00
Sparks Bay	R.R. 2, Kellogg, LA 50135	8/23/80	30.8	100.00
Coral Marina	R.R. 2, Iowa City, IA 52240	8/20/80	15.6	1,137.79
North Shore Boat Co	Red Rock Lake, Pella, IA 50219	8/26/80	9.3	150.00
Light House, Inc.	R.R. 2, Moravia, IA 52571	8/23/80	3.0	25.00
Traits End Texaco	I-20 and Highway 26, Rock Port, MO 64482	9/9/80	3.7	3,250.00
Kimberling Marina	Box 903, Kimberling City, MO 65686	8/20/80	4.5	79.90
Highway 83 Marina	R.R. 1, Flemington, MO 65850	8/19/80	8.5	104.00
Patrick's Sunoco	R.R. 1, Box 99, Hartsburg, IL 62946	10/10/80	2.3	273.21
U.S. Army Physical Activities Outdoor Recreation Marina	Fort Riley, KS 66442	8/19/80	7.8	272.00
Campbell's Marina	R.R. 1, Box 163, Sylvan Grove, KS 67481	9/11/80	3.0	609.08
Melvorn Lake Marina	R.R. 1, Melvern, KS 66510	9/17/80	8.1	845.23
Hoke Brother's No. 2	3555 Woodward, Detroit, MI 48201	9/30/80	2.6	481.38
City of Petoskey	2000 Division Street, Petoskey, MI 49770	10/15/80	7.5	975.38
Max Auto Car Service	27831 Orchard Lake, Farmington Hills, MI 48018	10/8/80	1.0	717.94
8th and Roosevelt St	715 Roosevelt Rd., Maywood, IL 60153	11/12/80	8.4	1,242.00
Jack's Super Shell	3801 W. Madison, Chicago, IL 60624	11/14/80	4.2	352.00
Freeman's Standard Service	3803 W. Roosevelt Rd., Chicago, IL 60624	11/17/80	2.6	951.00
Joe's Standard	2801 S. Pulaski Road, Chicago, IL 60623	11/18/80	2.6	1,915.00
Bum's Sohio Center	Sycamore St. and U.S. Route 52, New Richmond, OH 45157	10/2/80	2.0	1,367.47
Southwest District				
The Hut	Route 1, Mead, OK 73449	8/18/80	7.0	\$541.25
Hilltop 66 Truck Stop	Route 6, Box 435, Abilene, TX 79601	8/26/80	4.0	489.19
Wild Bill's Mobil	2749 Las Vegas Tr., Fort Worth, TX 76116	8/11/80	3.0	171.68
Branson's Gulf	2601 E. Belknap, Fort Worth, TX 76111	8/1/80	2.6	282.00
Edward's Shamrock	Route 2 (Highway 121), Frisco, TX 75034	7/30/80	1.6	459.93
Billy Craig Fina	214 W. First St., Mt. Pleasant, TX 75455	8/4/80	7.2	310.16
Cook's Gulf	Route 2, Box 120, Omaha, TX 75571	8/4/80	5.0	103.00
Grady Nutt Gulf	202 W. Panola, Carthage, TX 75632	8/12/80	4.9	1,100.00
Pineland Exxon	P.O. Box 282, Pineland, TX 75968	8/6/80	2	102.20
Carmichael's Marina	Star Rt. No. 2, Box 84, Hemphill, TX 75948	8/7/80	7.0	1,181.36
Phil's Fina	Loop 12 and Irving Blvd., Irving, TX 75060	8/13/80	8	106.05
Flip-In Grocery	Route 7, Box 438, Fort Worth, TX 76119	8/18/80	8.9	721.00
Phil's Corner	Route 3, Wills Point, TX 75169	7/30/80	2.3	192.92
White Deer Landing Marina	Route 3, Wills Point, TX 75169	8/12/80	4.3	203.20
19th Street Mobil	1402 N.W. 19th, Grand Prairie, TX 75050	8/14/80	3.0	275.23
Pierce's Exxon Service Station	3113 S. Hulen, Fort Worth, TX 76109	8/5/80	2.2	434.25
Mudd's Place	3190 N. Main, Mansfield, TX 76063	8/20/80	Recordkeeping	250.00
Michell Service Station	500 N. Main, Fort Worth, TX 76106	8/19/80	1.6	203.20
Lassiter Shell	Teasley Lane and I-35E, Denton, TX 76201	8/26/80	Recordkeeping	0
Hilltop Texaco	220 Stemmons, Denton, TX 76201	8/26/80	2.0	440.00
Stafford's Exxon	1901 E. Highway 356, Irving, TX 75060	7/25/80	4.9	0
Hwy 429 Marina	P.O. Box 746, Terrell, TX 75160	8/12/80	13.0	426.07
Dayle's Avenue "A" Shell Auto Care Center	4280 Westbank Expressway, Marrero, LA 70072	8/18/80	2.0	560.99
Prewitt's Grocery	Route 3, Box 71, Florin, LA 71429	8/8/80	2	60.19
Red's Point	Route 3, Box 109, Florin, LA 71429	8/8/80	2.2	100.00
Winnfield Texaco Center	305 W. Court St., Winnfield, LA 71483	8/5/80	4.5	757.02
Holland's Chevron	P.O. Box 44, Kent, TX 79855	8/16/80	1.0	219.15
Santiago Exxon Station	P.O. Box 154, Van Horn, TX	8/17/80	1.1	935.95
Chapa's Chevron	1539 S. Grand, Odessa, TX 79763	8/22/80	6.2	100.00
Smith Enterprises	3630 Will Rogers Dr., Santa Rosa, NM 88435	8/10/80	5	100.00
North Star Mall Texaco	8519 McCullough, San Antonio, TX 78216	8/4/80	1.0	200.00
Morris Gulf Service	711 N. Cockrell Hill Road, Duncanville, TX 75116	9/5/80	2.0	163.25
19th St. Berisha Exxon	1821 Tarrant Road, Grand Prairie, TX 75050	8/18/80	4	109.61
Nick's Chevron	825 11th Street, Ozona, TX 76943	9/3/80	1.1	1,151.98
Santiago Arrieta	131 Avenue A, Robstown, TX 78380	8/26/80	18.1	1,803.20
Nelson Matos Exxon	303 Roland Avenue, San Antonio, TX 78210	9/10/80	8.3	3,490.53
Claybrook & Slack Service, Inc., and Vance E. Claybrook Exxon	P.O. Box 269, Refugio, TX 78377	8/25/80	Allocation	3,500.00
Wizard Enterprises, Inc., and Continental Convenience Stores of Louisiana, Inc.	730 Enterprise Blvd., Lake Charles, LA 70601	9/2/80	9.9	40,500.00
Del Norte Gulf	6125 Montgomery, N.E., Albuquerque, NM 87109	9/16/80	1.0	126.04
Bailey's Gulf	3500 E. 66th Avenue, Gallup, NM 87301	9/10/80	3.1	386.52
Holiday Shell	P.O. Box 7071, Grants, NM 87020	9/10/80	1.0	100.00
Tinaja Bar & Service Station	Star Route 53, Ramah, NM 87321	7/11/80	Recordkeeping	500.00
Jolly Oil Company	P.O. Box 5365, Wichita Falls, TX 76307	9/5/80	2.7	1,625.00
Charles Burch Exxon	Box 382, Pineland, TX 75968	10/1/80	4.9	449.12
Kemper's Korner	Route 1, Box 52, Frisco, TX 75034	10/15/80	4.7	361.53
Rosborough Texaco	4213 Wilbarger Street, Fort Worth, TX 76119	10/17/80	3.5	9,196.56
Fincher's Exxon	1203 Ferris, Waxahachie, TX 75165	10/27/80	6.3	9,710.77
Cedar Mills Resort, Inc	Route 1, Box 105-R, Gordonville, TX 76245	10/6/80	9.0	242.00
Southside Texaco	3211 Pontchartrain, Slidell, LA 70458	10/20/80	6.9	3,532.90
Director of Personnel and Community Activities	Headquarters, Fort Polk, LA 71459	10/16/80	1.4	955.54
Morrow Gulf Service	6301 S. Claiborne Ave., New Orleans, LA 70125	10/18/80	1.8	190.84

Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Southwest District—Continued				
Barrett's Gulf Service	1011 Tchoupitoulas St., New Orleans, LA 70130	10/10/80	6.8	4,742.66
Bouttes Exxon	P.O. Box 278, Boutte, LA 70039	10/14/80	4.1	1,194.35
Demma's Lakeside Exxon	3530 N. Causeway, Metairie, LA 70002	10/29/80	5.3	2,644.04
Western Mart Texaco	FM 1649, El Sauz, TX 78544	10/28/80	16.1	1,700.00
Canyon Lake Marina	Star Route 2, Box 220, New Braunfels, TX 78180	11/13/80	3.6	533.51
Holton's Gulf Circle	1280 Avenue H, Lubbock, TX 79483	11/6/80	8	269.14
Ingram's Exxon	Highway 35E and Five Points Road, Waxahachie, TX 75165	11/3/80	Recordkeeping	250.00
Larry's Texaco	Highway 35E and Five Points Road, Waxahachie, TX 75165	11/3/80	3.6	562.00
Teal Development	P.O. Box 358, Dallas, TX 75221	11/6/80	14.2	841.39
Will-Mart, Inc.	1400 Lafayette St., Gretna, LA 70053	11/6/80	8.2	8,423.15
Rocky Mountain District				
Best Yet Grocery	7891 Brighton Blvd., Henderson, CO 80640	9/17/80	17.0	425.00
Western District				
Pacleb Texaco	665 W. Sepulveda, Torrance, CA 90502	5/30/80	2.3	\$402.29
Hanson Houston Texaco	800 N. Euclid, Fullerton, CA 92632	6/2/80	2.0	275.18
J. B. Clemen	Beacon Chevron, Beacon Station, CA 93209	6/2/80	11.7	1,068.18
World Oil Shell #64	Beverly and Fairfax, Los Angeles, CA	6/2/80	8	362.65
Kerster's Texaco	1601 Centinela Avenue, Inglewood, CA 90302	6/3/80	4.2	987.31
Hal Butler Chevron Service	9378 Wilshire Blvd., Beverly Hills, CA 90212	6/4/80	1.7	260.99
Hollydale Super Service	13601 S. Garfield Ave., South Gate, CA 90260	6/4/80	3.4	1,890.91
Family Union	7001 Westminster, Westminster, CA 92683	6/4/80	1.0	100.00
Chel's Shell Service	2252 Fairview, Costa Mesa, CA 92626	6/4/80	1.3	588.17
Al's Texaco Service	100 W. Katella, Anaheim, CA 92802	6/5/80	5.4	1,468.83
Flynn's Chevron	1801 S. Harbor, Anaheim, CA 92802	6/5/80	4.3	2,136.71
Stoppel Brothers	5800 W. Manchester, Los Angeles, CA	6/5/80	5.4	763.68
John H. Voight Chevron Service	2051 E. Edinger Ave., Santa Ana, CA 92705	6/6/80	4.3	1,120.06
Katella Standard	801 W. Katella, Orange, CA	6/10/80	9.1	1,017.11
Saverns Texaco	3010 S. Bundy Drive, Los Angeles, CA 90066	6/11/80	4.6	1,741.91
A & A Oil Service, Inc.	705 N. Archibald, Ontario, CA 91761	6/11/80	6.0	890.29
A & A Oil Service, Inc.	11095 Magnolia Ave., Riverside, CA 92501	6/11/80	8.5	2,378.48
A & A Oil Service, Inc.	3498 Central Avenue, Riverside, CA 92506	6/11/80	7.0	999.10
A & A Oil Service, Inc.	3518 Arlington Avenue, Riverside, CA 92506	6/11/80	7.2	1,062.44
Oscar's Service	2301 Pacific Coast Highway, Lomita, CA	6/12/80	8.7	446.52
Brooks Texaco Service Station	12800 South Avalon Blvd., Los Angeles, CA 90061	6/12/80	1.6	1,054.44
Jerry Luzzi Union	4695 E. Florence Ave., Bell, CA 90201	6/13/80	.5	156.26
Red Carpet Car Wash Arco	901 N. Vine, Los Angeles, CA 90036	6/13/80	11.2	1,506.95
Norris Haight Freeway Texaco #2	23651 Rockfield Blvd., San Clemente, CA 92672	6/15/80	3.2	1,157.28
Norris Haight Freeway Texaco #1	23652 Rockfield Blvd., El Toro, CA 92630	6/15/80	5.0	6,852.61
Jose Flores Chevron	1335 Dudley Street, Pomona, CA 91766	6/16/80	1.7	289.99
Jack's Mobil Service	2490 S. Western Ave., San Pedro, CA	6/16/80	1.4	315.53
A-Management No. 1	7558 Reseda Blvd.	6/17/80	2.2	1,649.49
A-Management No. 3	9010 E. Slauson, Pico Rivera, CA	6/17/80	3.2	1,469.82
A-Management No. 2	17700 Roscoe Blvd., Northridge, CA	6/17/80	2.2	1,110.56
A-Management No. 5	1502 So. Robertson Boulevard, Los Angeles, CA 90035	6/17/80	2.9	1,483.54
A-Management No. 6	22753 Oxnard Street, Woodland Hills, CA 91367	6/17/80	2.2	1,962.61
A-Management No. 7	10610 Garvey Blvd., El Monte, CA	6/17/80	2.0	221.68
A-Management No. 8	13001 Francisquito, Baldwin Park, CA 91706	6/17/80	2.2	225.40
A-Management No. 9	14106 Burbank Blvd., Van Nuys, CA	6/17/80	4.2	2,232.80
A-Management No. 10	18855 Nordhoff, Northridge, CA	6/17/80	2.9	2,690.77
Nahas Arco	2466 Riverside, Los Angeles, CA 90039	6/18/80	.7	270.76
Peninsula Center	27450 S. Hawthorne Blvd., Rolling Hills, CA 90274	6/18/80	1.1	296.86
WJK Chevron	507 W. Highland Ave., San Bernardino, CA 92408	6/18/80	.4	116.85
Cloyd's Chevron	1198 South "E" Street, San Bernardino, CA 92408	6/18/80	.1	123.58
South Bay Arco Service	4205 Pacific Coast Highway, Torrance, CA 90505	6/18/80	2.7	285.11
Wildwood Plaza Shell	295 E. 40th Street, San Bernardino, CA 92405	6/19/80	6.8	550.22
Cannis Exxon	3008 N. "E" Street, San Bernardino, CA 92405	6/19/80	4.9	1,423.96
South Huntington Chevron	290972 Magnolia, Huntington Beach, CA	6/19/80	3.2	1,058.68
Environmental Oil Co., Inc.	33171 Pasco Cerveza, San Juan Capistrano, CA 92675	6/23/80	3.8	7,012.69
Ekrod's Family Chevron	16830 Lakeshore Drive, Lake Elsinore, CA 92530	6/24/80	2.6	686.59
Andy's Exxon	301 South D Street, Perris, CA 92370	6/26/80	6.9	1,000.71
Villa Marina Union	4300 Lincoln Blvd., Marina Del Rey, CA	6/27/80	5.4	1,201.97
Airport Arco	920 W. Manchester Boulevard, Inglewood, CA 90301	6/27/80	3.9	383.15
Silver Spur Texaco	601 Silver Spur Rd., Rolling Hills, CA 90274	6/30/80	6.1	1,957.26
Lopez Exxon Service	1606 N. Broadway, Santa Maria, CA 93454	6/13/80	5.4	1,846.77
Taghi Lavassani Arco	2110 Old Middlefield Road, Mountain View, CA 94043	6/13/80	3.9	635.55
Fred's Arco	486 A Street, Hayward, CA	6/18/80	2.7	127.53
Northgate Chevron	2150 N. Northgate Way, Seattle, WA 98133	6/5/80	2.4	1,608.49
Higline Exxon	16205 Des Moines Way S, Seattle, WA 98045	6/11/80	4.9	300.00
G & S Enterprises	P.O. Box 990, North Bend, WA 98045	6/19/80	1.5	100.00
Southcenter Chevron	220 Strander, Tukwila, WA 98168	6/30/80	3.2	334.99
Mack's Corner Grocery	18550 168th Ave. N.E., Woodinville, WA 98072	6/20/80	7.4	1,187.30
Smokey Point Texaco	2604 172d Ave., N.E., Arlington, WA 98223	6/20/80	.6	100.00
Don's Arco	1013 W. Foothill Blvd., Upland, CA 91786	7/31/80	3.5	15,680.00
O'Neals Service Center	304 South Main Street, Corona, CA 91720	8/1/80	3.6	10,904.18
Fornero Chevron	500 N. Mission Road, Los Angeles, CA 90033	8/4/80	6.3	2,967.28
North Brand Mobil	1100 N. Brand Blvd., Glendale, CA 91202	8/5/80	2.0	1,500.00
Nacho Chevron	7221 Pacific Blvd., Huntington Park, CA 90255	8/6/80	2.0	1,350.00
Valencia Chevron Service	24137 Lyons Avenue, Valencia, CA 91355	8/6/80	7.3	471.63
Michsets Arco Service Station	23105 Valencia, Valencia, CA	8/6/80	3.5	364.97
Clyde Davis Mobil	1580 West 6th Street, Corona, CA 91720	8/6/80	4.8	4,384.58
Dave Davidson Corona Mail Service Center	309 South Main Street, Corona, CA 91720	8/11/80	3.3	1,355.92
Robert Cocchia oco Freeway Serv-Mobil	1601 Valley Blvd., Colton, CA 92324	8/11/80	6.8	2,906.54
W. F. Saleeb's A-1 Exxon	1295 University Ave., Riverside, CA 92507	8/14/80	4.7	549.37
Ezo's Union Service	8705 Sepulveda Blvd., Sepulveda, CA	8/15/80	10.8	4,030.18
Marv's Chevron	7100 Melrose Ave., Los Angeles, CA 90048	8/18/80	2.0	2,205.00
Wray's Union 76	805 Ocean Blvd., Long Beach, CA 90802	8/18/80	6.4	8,800.00

Consent Orders Issued

Station	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Western District—Continued				
Michael Kennedy Chevron	23566 Lyons Ave., Newhall, CA 91321	8/18/80	4.8	909.38
Water Wheel Car Wash	27565 Sierra Highway, Canyon Country, CA 91357	8/19/80	3.8	251.04
Dale's Repair—Arco	3283 Main Street, Riverside, CA 92501	8/20/80	1.0	100.00
Burke's Chevron	1011 University Ave., Riverside, CA 92507	8/20/80	5.1	1,213.23
Jack Ware Texaco	14210 E. Imperial Highway, La Mirada, CA 90638	8/21/80	8.8	4,535.04
George Bowers Chevron	19004 E. Colima Rd., Rowland Heights, CA 91748	8/21/80	4.3	1,407.31
Sergio Valenzuela	200 E. Beverly Blvd., Montebello, CA 90640	8/21/80	2.0	750.00
Copeland's Chevron Service	101 East Valley Blvd., Rialto, CA 92379	8/22/80	3.5	1,737.06
Saiman's Chevron	532 S. Fremont, Alhambra, CA 91801	8/23/80	2.0	250.00
David Davidson Corona Mall Chevron Service	309 S. Main Street, Corona, CA 91720	8/26/80	12.6	2,688.99
Karoon's Arco	2411 W. Olympic Blvd., Los Angeles, CA 90046	8/26/80	5.0	4,262.00
Frank's Chevron	4419 N. Figueroa St., Los Angeles, CA 90065	8/27/80	3.0	6,732.00
Harry's Chevron Service	9971 Adams, Huntington Beach, CA 92646	8/27/80	8.4	7,367.79
Gary's Mobil	3003 N. San Gabriel, Rosemead, CA 91777	8/28/80	3.0	2,275.00
Helo Shell Service	13700 Sherman Way, Van Nuys, CA	8/28/80	5.5	610.01
Ole & Charles	3568 W. Marginal Way, Seattle, WA 98106	8/11/80	20.5	1,206.00
Lyman Chevron	P.O. Box 1278, Lyman, WA 98263	8/14/80	13.9	5,296.00
Harry's Union 76	16009 Redmond Way, Redmond, WA 98052	8/13/80	3.2	2,164.00
Lilliesup Motel	Highway 101, Lilliesup, WA 98555	8/29/80	5.7	100.00
Circle K—Store #1385	4198 Union Avenue, Bakersfield, CA 93305	8/8/80	11.0	350.44
Circle K—Store #1326	8101 Lander Avenue, Hilmar, CA 95324	8/8/80	13.9	18.82
Circle K—Store #1172	3506 Black Road, Santa Maria, CA 93454	8/8/80	12.5	624.35
Circle K—Store #985	3435 Pioneer Drive, Bakersfield, CA 93306	8/8/80	23.3	2,936.43
Circle K—Store #1126	2501 River Blvd., Bakersfield, CA 93306	8/8/80	13.1	1,302.00
Circle K—Store #1171	1801 6th Street, Kingsburg, CA 93631	8/8/80	15.1	322.80
Masoud Shell	212 Montana, Oakland, CA 94602	8/5/80	6.3	2,397.37
Stanford	5714 San Pablo, Oakland, CA 94608	8/5/80	5.4	1,395.73
Ellis O'Farrell Garage	123 O'Farrell St., San Francisco, CA 94102	8/7/80	4.5	429.80
Golden Gateway Garage	250 Clay Street, San Francisco, CA 94111	8/7/80	4.5	547.08
Columbus/Pacific	170 Columbus Avenue, San Francisco, CA 94133	8/7/80	4.6	381.06
Circle K—Store #1232	4381 El Camino Real, Atascadero, CA 93422	8/8/80	6.4	76.72
Wm. R. Humphries	26409 Sierra Highway, Newhall, CA 91321	9/5/80	2.7	1,910.20
Er's Union 76	20373 Valley Blvd., Walnut, CA 91789	9/5/80	5.3	2,560.98
Emanuel Botmaleck	5851 Franklin Ave., Hollywood, CA 90068	9/8/80	2.0	892.00
Otis Texaco Service	14562 E. Valley Blvd., La Puente, CA 91744	9/9/80	4.3	2,896.22
Guy's Service Station	449 W. Manchester, Playa Del Rey, CA	9/10/80	3.2	1,464.43
Tom & Ernie Richfield	11999 San Vicente Blvd., Los Angeles, CA 90049	9/10/80	3	376.79
Bob Zook Exxon	24518 Lyon Avenue, Newhall, CA 91321	9/10/80	5.2	1,355.80
Burton Way Arco	8800 Burton Way, Beverly Hills, CA 90210	9/11/80	2	192.35
Young Cho	3523 West 3rd Street, Los Angeles, CA	9/11/80	3.4	75.00
Alvey's Arco	11840 Foothill Blvd., Lakeview Terrace, CA 91342	9/12/80	5.6	3,207.36
Lincoln Blvd. Car Wash	1624 Lincoln Blvd., Santa Monica, CA 90404	9/16/80	5.8	2,930.00
Adnan Bondugie Mobil	1809 W. Washington St., San Diego, CA 92103	9/16/80	3.3	804.71
Leslie's Texaco	5278 Sunset Blvd., Los Angeles, CA 90027	9/17/80	1.2	1,430.00
Mark Fayman Chevron	2290 Camino Del Rio, San Diego, CA 92108	9/17/80	9	144.855
Valasquez Chevron	270 S. Normandie, Los Angeles, CA 90006	9/17/80	1	50.00
Doc Keatts Auto Repairs—Union	801 E. Market Street, San Diego, CA 92101	9/18/80	2.4	5,814.55
Abe's Arco	2523 E. Foothill Blvd., Pasadena, CA 91107	9/18/80	4.0	2,200.00
Tom Ungar, d.b.a. T.J.U. Enterprises	P.O. Box 188, Honolulu, HI 96726	9/10/80	5.3	\$100.00
Mike Miller, d.b.a. Smiley's Super Service	1671 Kam Ave., Hilo, HI 96720	9/10/80	3.3	100.00
Ed's Shell	1967 S.W. Fourth, Portland, OR 97201	9/2/80	6.6	1,089.00
Point Deliance Boathouse	North 54th and Pearl, Tacoma, WA 98407	9/4/80	4.0	500.00
Arden & Bell Texaco	2800 Arden Way, Sacramento, CA 95825	9/12/80	2.0	120.87
Dave's Shell	199 Lincoln Road West, Vallejo, CA 94590	9/10/80	5.4	1,801.31
Dave's Shell	505 Tennessee St., Vallejo, CA 94590	9/10/80	5.4	714.50
B & M Texaco	Lathrop and Hay 90, Manteca, CA 95336	8/30/80		236.00
Ashby	1200 Ashby, Berkeley, CA 94702	8/8/80	5.4	1,232.33
Jorge Perez Chevron	5279 W. Olympic Blvd., Los Angeles, CA 90039	10/15/80	3.0	351.00
Koko & Joe's Service Center	6228 Franklin Ave., Hollywood, CA 90028	10/20/80	1.8	808.00
Puna Service Station	P.O. Box 97, Honolulu, HI 96850	9/15/80	7.4	250.00
Kona U-Save	P.O. Box 3077, Kailua Kona, HI 96740	9/28/80	7.6	250.00
Village General Store, Inc.	P.O. Box 387, Volcano, HI 96785	9/29/80	3.6	100.00
Howard's Union Service	2077 Kame Rd., Honolulu, HI 96819	10/10/80	2.0	100.00
Nimitz Union Service	3033 N. Nimitz, Honolulu, HI 96819	10/24/80	2.4	100.00
Interbay Mobil Service	1517 W. Dravus Street, Seattle, WA 98119	10/2/80	8	100.00
Tom Dietz	1317 Fulton, San Francisco, CA 94117	10/20/80	5.3	230.82
Young's Texaco	440 Hearn, Santa Rosa, CA 95401	10/17/80	16.9	4,265.66
Mel Cox	2017 W. Shaw, Fresno, CA 93705	10/8/80	3.0	3,065.81
Glenn Lore Chevron	6971 Adams Ave., Huntington Beach, CA 92646	10/26/80	4.3	1,016.00
D. E. Wilson Chevron	2180 Harbor Blvd., Costa Mesa, CA 92627	11/16/80	4.8	8,269.58
Douglas Storey Insta-Tune	4399 Main Street, Riverside, CA 92501	11/19/80	5.3	166.00
DelWitt Sanders	2844 Santiago, Orange, CA 92667	11/24/80	5.9	668.87
Cervantes Shell Service	101 W. Pacific Coast, Wilmington, CA 90744	11/24/80	2.3	303.00
Whitfield Shell	5323 Western Ave., Los Angeles, CA 90062	11/26/80	1.9	1,206.00
Maruya's 76 Bay Service	44-740 Kaneohe Bay Dr. Kaneohe, HI 96744	11/4/80	3.7	100.00
Jorge Perez Chevron	5279 W. Olympic Blvd., Los Angeles, CA 90036	10/15/80	3.0	351.00
Koko & Joe's	6228 Franklin Ave., Hollywood, CA 90028	10/20/80	1.8	808.00

[PR Doc. #1-5642 Filed 2-20-81; 6:45 am]

BILLING CODE 6450-01-M

Ideal Gas, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds to be deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: November 3, 1980. Comments by: March 25, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105, telephone (415) 764-7038.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105, telephone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On November 3, 1980, the Office of Enforcement of the ERA executed a Consent Order with Ideal Gas, Inc. of Nyssa, Oregon. Under 10 CFR 205.199j(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Ideal Gas, Inc. (Ideal), with its home office located in Nyssa, Oregon, was a firm engaged in the sale and resale of propane, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 6 CFR Part 150, and 10 CFR Parts 210 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Ideal, the Office of Enforcement, ERA, and Ideal entered into a Consent Order, the significant terms of which are as follows:

1. Ideal's sales of propane were audited for the period November 1, 1973 through April 30, 1974.

2. As a result of the audit, the Office of Enforcement alleged that Ideal

charged prices for propane in excess of the maximum lawful selling prices permitted under 6 CFR 150.359, and 10 CFR 212.93.

3. Ideal, by entering into the Consent Order, did not concur in the Office of Enforcement's allegations, nor did it admit any liability or violation of any statute or DOE regulation or rule.

5. The provisions of 10 CFR 205.199j, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Ideal agrees to refund, in full settlement of any civil liability with respect to action which might be brought by the Office of Enforcement, ERA, arising out of the transaction specified in I.1. above, the sum of \$72,040 on or before January 3, 1981. Refund overcharges will be distributed as follows:

a. Refund directly to end-user customers a total of \$18,326.

b. The remaining refunded overcharges of \$53,714 will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts deposited with it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199j(a).

III. Submission of Written Comments

A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount deposited with ERA

should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Ideal Gas, Inc. Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on March 25, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, CA on the 12th day of February, 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-6004 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-004]

Long Island Lighting Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

On January 28, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed an application with the Administrator of the Economic Regulatory Administration (ERA) for

certification of an eligible use of natural gas to displace fuel oil at two of its electric generating plants in New York: the E. F. Barrett Electric Plant in Island Park and the Glenwood Electric Plant in Glenwood Landing, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, 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.

In its application, LILCO states that the volume of natural gas for which it requests certification is up to 3,500,000 dekatherms (approximately 3,500,000 Mcf) to be purchased from March 1, 1981 to October 31, 1981. This volume is estimated to displace the use of approximately 402,000 barrels of residential fuel oil (1.5 percent sulfur) and 9,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Plant and 164,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant between March 1, 1981, and October 31, 1981.

The eligible seller is City of Danville, P.O. Drawer 3308, Danville, Virginia 24541, and the gas will be transported by the Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before March 5, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by an interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include as summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to LILCO and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on February 13, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[PR Doc. 81-9928 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-001]

Nebraska Municipal Power Pool; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On March 26, 1980, Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of seven of its members, was granted a certificate of eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80-CERT-010). The certification involved the purchase of natural gas from Esperanza Transmission Company for use by NMPP at those member's municipal electric generating facilities in Nebraska. The ERA certificate expires on March 25, 1981.

Those seven members are the Board of Public Works of the City of Auburn, Nebraska (Auburn); the Board of Public Work of the City of Fairbury, Nebraska (Fairbury); the City Utilities Department of the City of Wahoo, Nebraska (Wahoo); the City Utilities Department of the City of West Point, Nebraska (West Point); the City Utilities Department of the City of Crete, Nebraska (Crete); the City Utilities Department of the City of Tecumseh, Nebraska (Tecumseh); and the Village Board of Trustees of the Village of Pender, Nebraska (Pender).

On January 12, 1981, NMPP filed an application for recertification of an eligible use of natural gas to displace fuel oil for the same seven members pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). This application was filed too early, before the 60-day period prior to the expiration date of the original certificate, and ERA and the applicant agreed to postpone this notice of the application until it was eligible. More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, 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.

In its application, NMPP states that the total volume of natural gas for which it

requests recertification is the same as in its original certification or approximately 7,080 Mcf per day. This natural gas is estimated to displace the use of 10,050 gallons (239 barrels) per day of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility and 35,000 gallons (833 barrels) of No. 2 fuel oil (0.3 percent sulfur) per day at the six remaining municipal generating facilities. Natural gas usage in McF/day and resulting fuel oil displacement for each member is listed below:

Member	Natural gas Mcf/day (up to)	Oil displacement gal/day	Type fuel oil	Average sulfur content percent
Auburn	1,440	9,100	2	0.3
Wahoo	960	6,100	2	0.3
West Point	960	6,100	2	0.3
Crete	960	6,100	2	0.3
Tecumseh	600	3,800	2	0.3
Pender	600	3,800	2	0.3
Sub total (No. 2 Fuel Oil)		35,000		
Fairbury	1,560	10,050	6	0.5
Totals	7,080	45,050		

The eligible seller of the natural gas is Esperanza Transmission Company having offices in Corpus Christi, Texas. The gas will be transported by the Northern Natural Gas Company, an interstate pipeline, and local distribution companies will make delivery to all seven facilities.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Albert F. Bass, on or before March 5, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to NMPP and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on February 13, 1981.

F. Scott Bush,

Assistant Administrator Office of Regulatory Policy Economic Regulatory Administration.

[FR Doc. 81-5929 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee, Synthetic Fuels Subcommittee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Environmental Advisory Committee, Synthetic Fuels Subcommittee.

Date and Time: Wednesday, March 11,

1981—9:30 a.m. to approximately 1:30 p.m.

Place: Department of Energy, Forrestal Building—Room 4A110, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Rhoda Shechtel, Department of Energy, Forrestal Building—Room 4G052, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-4616.

Purpose of Parent Committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative Agenda: Review Environmental Impact Statements, as available; Prepare Report for Full Committee; Public Comment (10 minute rule).

Public participation: The meeting is open to the public. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairman.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 17, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-5923 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of January 19 Through January 23, 1981

During the week of January 19 through January 23, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the Issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 17, 1981.

Energy Cooperative, Inc., East Chicago, Indiana, BEE-1298, crude oil

Energy Cooperative, Inc. (ECI) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would provide ECI with approximately \$95.8 million in additional entitlements benefits. On January 19, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part.

Gulf Oil Corporation, Houston, Texas, BEE-0008, motor gasoline

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR 212.83(c)(2)(iii) (C) and (E). The exception request, if granted, would relieve the firm of the requirement that it adjust the cost allocation factor contained in the refiner price rule to account for the repayment of motor gasoline that it had received in exchanges consummated before December 31, 1978 and would thereby permit Gulf to charge prices for motor gasoline in excess of the levels determined in accordance with the price regulations. On January 22, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Southern Fuel Company, Baltimore, Maryland, BEE-1530; Looman Distributing, Inc., Ventura, California, BEE-1549; Ireland Transfer & Storage, Ketchikan, Alaska, BEE-1552, reporting requirements

Southern Fuel Company, et al., filed Applications for Exception from the reporting requirements set forth in Form EIA-9A ("No. 2 Distillate Price Monitoring Report"). The exception requests, if granted, would relieve the firms of the requirement that they complete and submit Form EIA-9A to the Energy Information Administration. On January 23, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the applicants should be granted an extension of time in which to file their reports.

Sunland Oil, Delano, California, BEE-1537; Woolley Fuel Company, Maplewood, New Jersey, BEE-1538; Bochelder Oil Company, Inc., Athol, Massachusetts, BEE-1543; Jamar Oil Distributors, Stockton, California, BEE-1553; Cochran Oil Company, Jefferson, Ohio, BEE-1544, reporting requirements

Sunland Oil, et al., filed Applications for Exception from the reporting requirements set forth in Form EIA-9A ("No. 2 Distillate Price Monitoring Report"). The exception requests, if granted, would relieve the firms of the requirement that they complete and submit Form EIA-9A to the Energy Information Administration. On January 22, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that the Applications for Exception should be denied.

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Proposed Decision and Order which determined that the exception request be denied:

Company Name, Location, and Case No.
Burton Langley, Elizabethtown, KY, DEE-6224

[FR Doc. 81-5902 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of February 2 Through February 6, 1981

During the week of February 2 through February 6, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D) any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wished to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals,
February 17, 1981.

*Burlington Northern, Inc., St. Paul,
Minnesota, DEE-2104 EIA form 28*

Burlington Northern Inc. filed an Application for Exception from the requirement to file from EIA-28 (Energy Company Financial Reporting System). The exception request, if granted, would relieve Burlington Northern Inc. of any obligation to prepare and submit Form EIA-28. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

*Conoco, Inc., Houston, Texas, BXE-1581,
crude oil*

Conoco Inc. filed an Application for Exception from the provisions of 10 C.F.R.

Part 212, Subpart D. The exception request, if granted, would permit Conoco Inc. to sell a portion of the crude oil produced from the Plum Bush Creek Unit in Washington County, Colorado at prices in excess of the applicable ceiling prices. On February 2, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

*McMurrey Petroleum, Inc., Kilgore, Texas,
BEE-1546, crude oil*

McMurrey Petroleum, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.131. The exception request, if granted, would permit McMurrey to certify the production from the B. D. Everett No. 1 Lease during June 1980 according to its appropriate crude oil category. On February 2, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

*Northland Oil & Refining Company, Tulsa,
Oklahoma, DEE-0934, DEE-1892, DXE-
2539, crude oil*

Northland Oil & Refining Company filed three Applications for Exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program). The exception request, if granted, would permit Northland to a portion of its entitlement purchase obligations during the period April 1978 through March 1981 to account for crude oil receipts and runs to stills during the period February 1978 through January 1981. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

*Sentry Refining, Inc., Washington, D.C., BEE-
1339, crude oil*

Sentry Refining, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. The exception request, if granted, would permit Sentry to receive additional entitlements for the crude oil acquired to establish an increased inventory for its expanded refinery. On February 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-6003 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Consent Orders With Commonwealth Oil Refining Co., Inc., Koch Industries, Inc., and Pennzoil Co.

AGENCY: Department of Energy (DOE).

ACTION: Clarification of prior notices of proposed consent orders.

The Office of the Special Counsel for Compliance (OSC) previously published notice, as required by 10 CFR 205.199, that it had entered into Consent Orders with Commonwealth Oil Refining Company, Inc. (Corco), 45 FR 8099 (January 26, 1981), with Koch Industries, Inc. (Koch), 46 FR 8100 (January 26, 1981)

and with Pennzoil Company (Pennzoil), 46 FR 8101 (January 26, 1981).

The notices stated that in accordance with the regulatory requirements, OSC would receive comments on the Consent Orders "for a period of not less than 30 days following publication of [these] notice[s]." Accordingly, OSC is required to consider all comments received by 5:00 p.m. on February 25, 1981, the thirtieth day following publication of the notices. The Notices of Proposed Consent Orders with Corco and Koch incorrectly stated that the thirtieth day following publication of the notices was February 21, 1981. In accordance with the notices and regulation cited, all comments received by the thirtieth day, February 25, 1981, will be considered.

The published Notice of the Proposed Consent Order with Pennzoil explained the distribution of only \$6.5 million of the \$10 million cash payment to be made by Pennzoil. The remaining \$3.5 million will be refunded, under the same provision that governs the refunds to Pennzoil's electric utility customers, to the Defense Fuel Supply Center.

Issued in Washington, D.C. February 17, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance,

[FR Doc. 81-6226 Filed 2-20-81; 10:32 am]

BILLING CODE 6450-01-M

Office of Conservation and Solar Energy

[Case No. F-003]

Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures From Energy Kinetics Incorporated

AGENCY: Department of Energy.

SUMMARY: The energy conservation program for consumer products, other than automobiles, was established pursuant to the Energy Policy Conservation Act. The Department of Energy (DOE) has amended the prescribed test procedure regulations for the energy conservation program for consumer products to allow the Assistant Secretary for Conservation and Solar Energy temporarily to waive test procedure requirements for a particular covered product (45 FR 64108, Sept. 26, 1980). Waivers may be granted when characteristics of the product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative efficiency data. Pursuant to paragraph (b) of § 430.27 of the Code of Federal Regulations, DOE is required to

publish in the Federal Register all Petitions for Waiver and the supporting documentation from which confidential information, as determined by DOE, has been deleted in accordance with 10 CFR 1004.11. Also, DOE is required to solicit comments, data and information with respect to the determination of the petition.

DATES: DOE will accept comments, data, and information no later than March 25, 1980.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Solar Energy, Case No. F-003, Mail Stop GH-068, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9526.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1980, Energy Kinetics Incorporated filed a Petition for Waiver from the DOE test procedure requirements for measuring the energy consumption of furnaces. Specifically, the petition contends that a particular model of boiler manufactured by Energy Kinetics has design characteristics which prevent testing in accordance with the prescribed DOE test procedures. The petitioner adds further that even if the above request is granted and the test procedures are modified, which would allow testing of the model, the results obtained from the test procedures would provide materially inaccurate comparative data. Also, Energy Kinetics requested confidential treatment of the information contained in the Petition. Energy Kinetics believes the request for confidential treatment is justified in accordance with the applicable provisions of 10 CFR 1004.11.

In consideration of the foregoing and in accordance with the provisions of Part 430.27(b) of Chapter II of Title 10, Code of Federal Regulations, DOE is hereby publishing the "Petition for Waiver" in the Federal Register with the confidential information deleted. DOE has determined that the information deleted is confidential in accordance with 10 CFR 1004.11. DOE is hereby soliciting comments, data and

information respecting the determination of the petition.

Issued in Washington, D.C., February 12, 1981.

Frank DeGeorge,
Acting Assistant Secretary, Conservation and Solar Energy.

[The original of this document contains information which is arguably confidential under 18 U.S.C. 1905. Such material has been deleted, from this copy and replaced with 'XXXXX's'.
December 27, 1980.

Subject: Petition for Waiver, 10 CFR Part 430.27

Gentlemen: This is an application by Energy Kinetics Inc., Boiler System for an exception to test procedures set forth in sub Part B of Part 430, Chapter II of Title 10, Code of Federal Regulations, Appendix N, Uniform Test Method for Measuring the Energy Consumption of Furnaces.

Energy Kinetics Inc. (Applicant) plans to manufacture and commence marketing in January, 1981, an oil fired residential heating system which includes a low thermal mass, direct exhaust, purgeable boiler with characteristics which do not permit testing with procedures of the above specified test code.

1. Description of Applicant's Business.
The Applicant, incorporated in February, 1980 in New Jersey, has spent considerable effort and expense during the past several years to develop and produce a more energy efficient, oil fired residential hot water heating system.

The system incorporates a number of innovations to improve heat recovery and reduce operating and standby losses.

The Applicant has produced an advanced prototype under contract with Brookhaven National Laboratories, Associated Universities Incorporated under the Conservation Program Management Group acting with the U.S. Department of Energy (DOE).

Brookhaven National Laboratories test of the prototype indicated that the system qualifies as "a high efficiency boiler" within their standards.

The Applicant has continued development and plans to market this system beginning January, 1981.

2. Federal Labeling and Testing Requirements.

The low mass purgeable boiler system is a covered product since a component is an appliance (the boiler) falling within the "furnace" category as set forth in 18 CFR Part 305, and therefore is subject to the rules for using energy costs and consumption information in labeling and advertising under the "Act".

3. Energy Kinetics System: Principles of Operation.

3.1 The System incorporates a low thermal mass, oil fired direct exhaust hot water boiler and a control system which purges the low thermal mass boiler of its energy at the end of each demand cycle to a useful location, so reducing the boiler temperature to near ambient to significantly reduce losses in the standby portion of the operating cycle.

3.2 Details of the specific boiler design and control strategy are considered proprietary (confidential) and are included in a separate attachment to be treated without disclosure per provisions of 10 CFR 1004.1 of the waiver procedure. Details permit review and evaluation by D.O.E. and N.B.S.

3.3 The Applicant believes that the general description in 3.1 (above) adequately describes the system for purposes of public comment as to why system does not conform to concepts of the test procedures for oil fired boilers.

4. Test Procedures Do Not Adequately Handle Applicant's System.

The test procedures, while they apply to the Applicant's basic oil fired boiler as a covered product under the Act, such procedures do not adequately handle the testing and rating for said boiler for the following reasons:

4.1 The boiler, being a low mass, low water volume boiler requires forced circulation during all sequences of operation. The temperature rise range specified in the procedures creates an inadequate flow rate and results in problems similar to those previously designated for exception in finned tube boilers. The temperature rise for optimum system performance while less than the minimum 120° F. specified in the procedures is a characteristic of the individual system and is more typical of supply/return temperatures of conventional field installed systems, i.e., 20° F. to 60° F. rise.

4.2 The low mass purgeable system operates in a manner similar to a warm air furnace at the end of a burn cycle. The thermal mass of the hot air furnace and the Energy Kinetics boiler are similar. With the warm air furnace, the fan continues to run until the heat exchanger, cooled by return air, reaches a specified condition. The low mass purgeable boiler circulator continues operation until the boiler reaches near ambient temperature.

The test procedure for boilers, which measures losses in standby starting at 200° F. is inappropriate.

4.3 The Energy Kinetics low mass system, starts each operating cycle from near ambient temperature, operates generally for a short cycle and the maximum attained temperature varies greatly, but in most cycles during a heating season will not approach 200° F.

Seasonal fuel efficiency, based on an assumed temperature level of 200° F., maintained throughout the heating season, is not representative of Energy Kinetics system performance.

4.4 The reduction of boiler standby temperature also reduces stack temperature in the standby cycle lessening stack draft in field installations. This further acts to reduce infiltration losses through the boiler in the off cycle.

The procedure specification which requires maintaining stack draft in the off cycle overstates infiltration losses and places undue advantage on use of flue dampers and similar devices.

4.5 The Energy Kinetics direct exhaust with a power burner operating at a slight positive pressure has characteristics which make the specified control of draft

fluctuations not to exceed .005 inches inconsistent with field operation and would require instrumentation and controls beyond the capability of the Applicant.

5. The Lack of an Appropriate Test Procedure Is Unfair to the Applicant.

For reasons described, the current test procedures are not fair to the Applicant nor representative of seasonal efficiency available to potential users of the system.

Should the Applicant be required to adhere to the existing test procedure:

(A) The Applicant would be legally precluded from marketing a product because of a lack of Proper Test Procedure.

(B) A waiver to adjust only water temperature rise would permit a test but results would not be representative of fuel efficiency of an operating system.

(C) The Applicant would be deprived of introducing an improved efficiency heating system with an equitable marketing position.

(D) The intent of Congress in passing the Act would be frustrated as the public would be deprived of an opportunity to obtain an innovative system with significant potential for National Energy Savings.

8. Energy Kinetics System Testing.

The Applicant proposes that the system be tested in the manner for fuel savings which has been the basis of its development and design. Specifically:

6.1 Water flow rates should be regulated through a bypass system to optimize boiler system performance while providing a continuous flow of hot water at the discharge temperature specified in the procedures. A temperature rise in the range of 30° F. to 60° F. is expected.

6.2 Circulator operation and coolant flow should be continued at the end of a run cycle similar to that of a hot air furnace until supply/return temperature reach levels of the manufacturer's standard control system. Flue temperatures and flows should be measured at times specified in the procedure.

6.3 Draft conditions should be those established by the manufacturer as typical for operating conditions in field installations.

6.4 The Applicant has had the system evaluated with the control strategy indicated above at an independent laboratory. The annual cyclic efficiency indicated a significant improvement over standard appliances. The above referenced test procedure modifications should approximate a fair AFUE value for the proposed system.

Yours truly,

John D. Marran,
President.

Enclosure Letter

XXXXX

Enclosure I—Oil Fired Boiler

XXXXX

Enclosure II—Insulation System

XXXXX

Enclosure III—Report on Burner-Boiler/ Furnace Efficiency Test Project

[Test Report No.: 80-37-H1]

Efficiency Test Report For: Calori Coil Boiler, Prototype Oil Fired Purgeable Boiler, Marran Energy Kinetics, Inc., 140 Overleigh Road, Bernardsville, N.J. 07924

Brookhaven National Laboratory, Burner-Boiler/Furnace Efficiency Test Project, Upton, New York, 11973, July 1980

General Information

Efficiency Tests Performed

Steady-state and part-load efficiency tests were performed in the test facility. Annual fuel use was calculated by the Annual Fuel Use and Efficiency Computational Program.

Equipment Tested

The equipment tested was a prototype "Wet-Base" steel boiler with a non-conventional heat exchanger design, fired with a commercialized high speed retention head burner. The firing rate was nominally 0.85 gallons/hr.

Manufacturer

Marran Energy Kinetics, Inc., 140 Overleigh Road, Bernardsville, N.J. 07924

Model Number

Prototype—Calori Coil Boiler.

Mode of Operation

The boiler as tested is designed to provide only space heat in residential applications using a boiler heat purging technique.

Enclosures

(1) Hydronic Equipment Findings Report Reference Manual, BNL 50644.

(2) Annual Fuel Use and Efficiency Reference Manual, BNL 50816.

Efficiency Test Results

Calori Coil—Prototype Oil Fired Purgeable Boiler

The steady-state efficiency of the Calori-Coil Prototype was measured to be 83.3% by the testing method outlined in the Reference Manual (enclosure 1).

In comparison, typical conventional boilers have been found to operate with steady-state efficiencies between 70 and 75% with the "best" conventional units reaching almost 85%.

Part-load efficiency tests were performed at various heating loads (standby to full load) under the application of conventional control strategies as described in the Reference Manual. The results of the cycle efficiency tests can be found in Fig. 1 and Table 1. The cycle and steady-state efficiency data were used to calculate the annual fuel consumption and the seasonal efficiency of the Calori Coil Boiler fired with its high-speed-retention-head burner. It can be seen from Table 1A that under conventional control strategies, 1,016 gallons of fuel oil will be consumed per year for a structure in the New York City area with a design heating load of 50,000 Btu per hour and $\alpha = 2$. The units seasonal efficiency under this mode of operation was 71.9%.

Part-load efficiency tests (standby to full load) were performed while approximating the manufacturer's purging control philosophy. The manufacturer's philosophy is a departure from conventional strategies. Under these tests the boiler circulator was allowed to start during the burner firing period and continued running after burner shutdown until the boiler outlet temperature reached approximately 107°F. The results of the cycle efficiency tests can be found in Fig. 2 and Table 2. It can be seen from Table 2A that under the purging control strategy, 806 gallons of fuel oil will be consumed per year for the same structure and conditions stated above. The seasonal efficiency under the purge mode of operation was 82.5%. It should be noted that the Calori Coil Boiler tested provided space heat only and did not have domestic hot water capability. It is therefore compared to other units operating at 0 gallons per day of domestic hot water.

The Calori Coil Boiler qualifies as a high efficiency boiler (seasonal efficiency > 70.0%) even when operated under conventional (non-purging) control strategies. In comparison to a "typical" conventional boiler-burner combination operation under the same conditions which would consume 1,332 gallons of fuel oil, the Calori Coil Boiler could reduce fuel consumption by about 316 gallons of fuel oil annually.

The Calori Coil Boiler when operated as designed using the purging strategy can reduce its off-cycle losses to almost negligible levels and yield an additional savings of 130 gallons of fuel oil annually. The combined savings potential of boiler design and operating strategy could reduce annual fuel consumption by about 33%, when compared to the "typical" conventional boiler-burner combination operated under conventional (non-purging) control strategies.

The potential savings characteristics of the purgeable boiler have long been recognized by BNL. Other tests at BNL have revealed similar reductions in off-cycle losses in a conventional boiler. With such reductions in off-cycle losses the seasonal efficiency can be made to approach the steady-state efficiency as a limiting factor.

BILLING CODE 6450-81-M

Figure 1
OVERALL EFFICIENCY VS. BURNER FRACTIONAL "ON" TIME
Calori Coil Boiler with Conventional Control Strategy

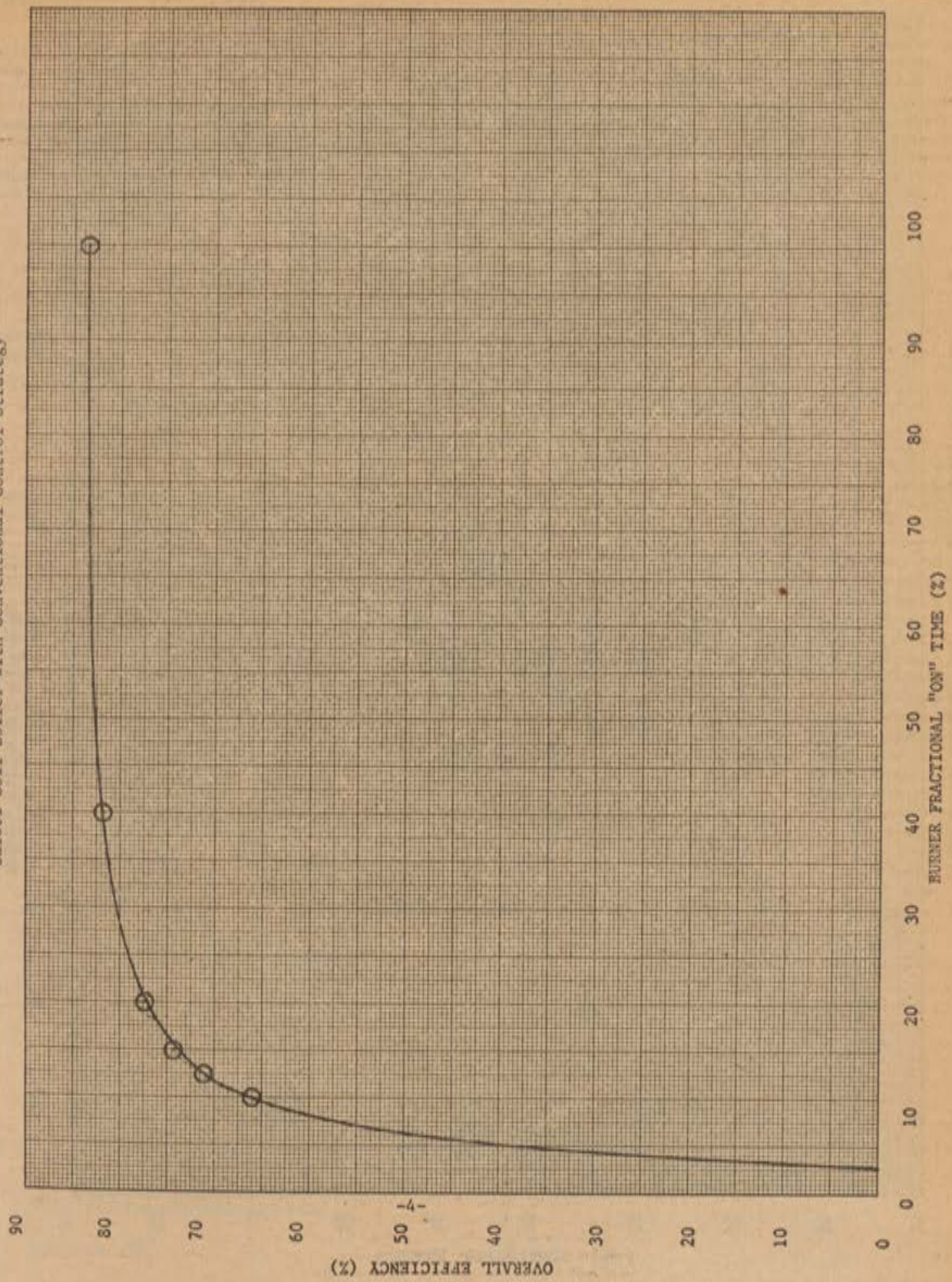


Figure 2
OVERALL EFFICIENCY VS. BURNER FRACTIONAL "ON" TIME
Calori Coil Boiler with Purging Strategy

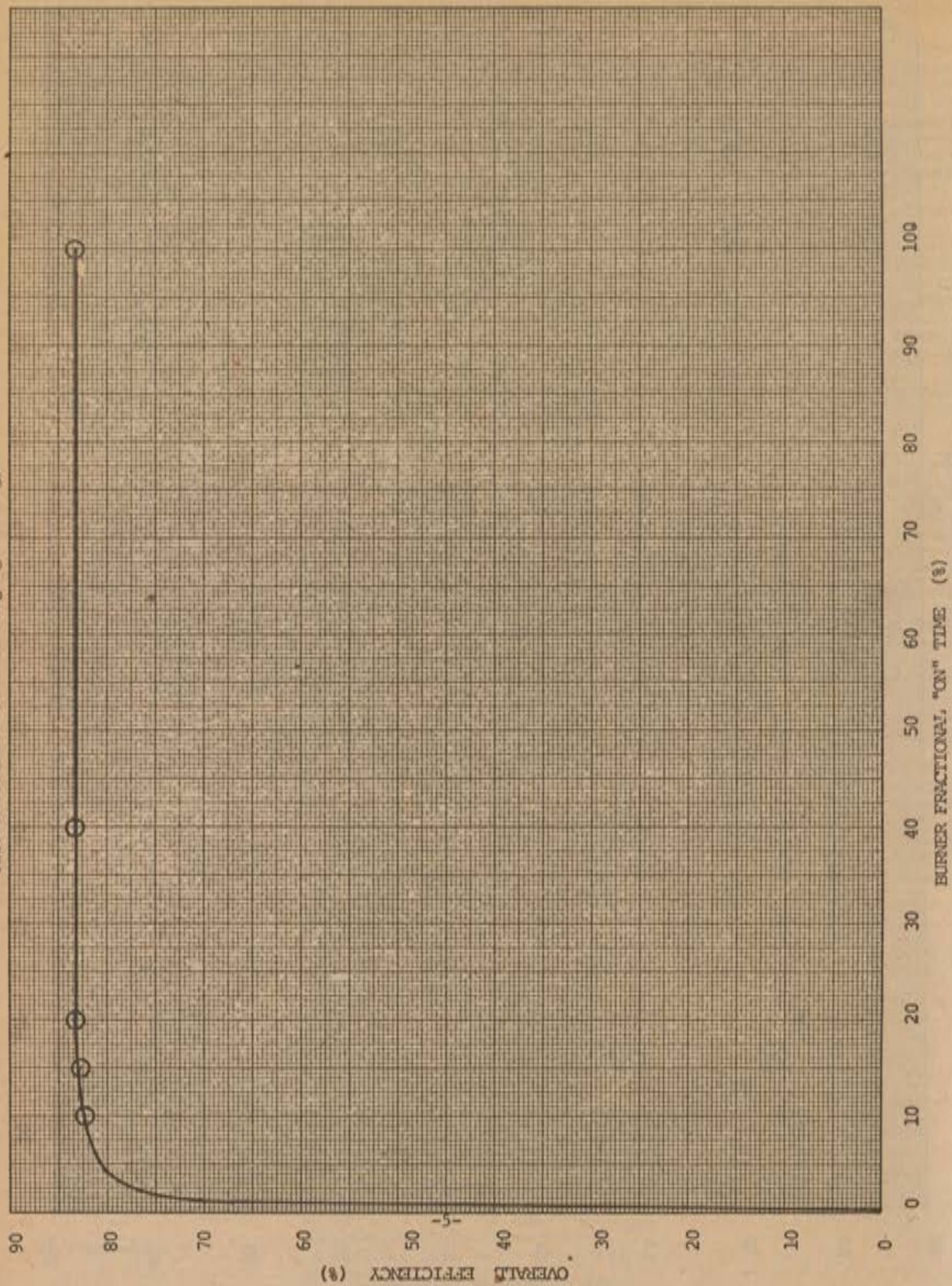


TABLE 1
AFUE COMPUTATIONAL ANALYSIS

Seasonal Efficiency	<u>71.9 %</u>
Annual Fuel Use (Gallons/Year)	<u>1,016</u>

EFFICIENCY DATA

Burner Fractional "On" Time %	Cycle Efficiency %	Overall Efficiency $n_s \times n_c$ %
2.6	0	0
4.0	38.1	31.7
5.0	51.9	43.2
7.0	67.7	56.4
10.0	79.6	66.3
12.0	84.1	70.1
15.0	88.8	74.0
20.0	93.4	77.8
25.0	96.1	80.1
30.0	98.0	81.6
40.0	98.4	82.0
60.0	100.0	83.3
100.0	100.0	83.3

Average Steady-State Efficiency
at 180° F Outlet Temperature 83.3 %

Average Steady-State Efficiency
by Stack Gas Sampling
(Neglecting Jacket Losses): 86.7 %

Percent CO₂ 13 %

Net Stack Temp. 297° F

TABLE 2
AFUE COMPUTATIONAL ANALYSIS

Seasonal Efficiency	<u>82.5%</u>
Annual Fuel Use (Gallons/Year)	<u>886</u>

EFFICIENCY DATA

Burner Fractional "On" Time %	Cycle Efficiency %	Overall Efficiency $n_s \times n_c$ %
0.2	0	0
1.0	80.7	67.2
2.0	90.8	75.6
3.0	94.1	78.4
5.0	96.8	80.6
7.0	97.9	81.6
10.0	98.8	82.3
12.0	99.1	82.6
15.0	99.5	82.9
20.0	99.9	83.2
25.0	100.0	83.3
30.0	100.0	83.3
100.0	100.0	83.3

Average Steady-State Efficiency
at 180° F Outlet Temperature 83.3 %

Average Steady-State Efficiency
by Stack Gas Sampling
(Neglecting Jacket Losses): 86.7 %

Percent CO₂ 13 %

Net Stack Temp. 297° F

TABLE 1A

HEATING UNIT: Calori Coil Boiler (Conventional Strategy)
 LOCATION: New York, New York
 DESIGN HEAT LOAD: 50,000 BTUH
 ROOM TEMP: 68
 OUTSIDE DESIGN TEMP: 0

DOMESTIC HOT WATER (GAL PER DAY)		$\alpha = 1$	2	3	4
0	SEASONAL EFFICIENCY	.784	.719	.657	.604
	ANNUAL FUEL USAGE (GAL/YEAR)	932.	1016.	1113.	1211.
	DESIGN FUEL FLOW RATE (GPH)	.433	.866	1.299	1.732

TABLE 2A

HEATING UNIT: Calori Coil Boiler (Purging Control Strategy)
 LOCATION: New York, New York
 DESIGN HEAT LOAD: 50,000 BTUH
 ROOM TEMP: 68
 OUTSIDE DESIGN TEMP: 0

DOMESTIC HOT WATER (GAL PER DAY)		$\alpha = 1$	2	3	4
0	SEASONAL EFFICIENCY	.830	.825	.819	.812
	ANNUAL FUEL USAGE (GAL/YEAR)	881.	886.	893.	900.
	DESIGN FUEL FLOW RATE (GPH)	.433	.866	1.299	1.732

Enclosure IV—Cycle Efficiency vs.
Percentage Run Time

XXXXX

Enclosure V—The Energy Kinetics System

XXXXX

[FR Doc. 81-5917 Filed 2-20-81; 8:45 am]

BILLING CODE 6450-81-M

FEDERAL COMMUNICATIONS
COMMISSION

[FCC 81-55]

Advisory Committee on Broadcasting
Satellite Service; Planning Conference

February 12, 1981.

The Commission has requested GSA approval for the creation of the Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference to provide advice to FCC representatives responsible for participating in the Conference.

Advice by interested agencies, institutions, organizations, and industry sectors will be needed on the wide-ranging matters to be dealt with by the Conference. These include the identification of services that may be provided by a Direct Broadcasting Satellite (DBS) service, transformation of service demands into possible system requirements, development of DBS system technical parameters and their impact on delivery of services, specification of DBS technical parameters relative to an international planning exercise to be conducted at the Conference, and identification of the peculiarities of sharing between DBS and terrestrial services.

Although such a committee cannot be instituted unless and until GSA approves the FCC's proposal, prospective participants should give early consideration to their involvement in the Committee's meetings. The Commission accordingly invites submission of the names of persons who it is believed could contribute usefully to the work of advising FCC staff responsible for participation in the Planning Conference.

If required approvals are obtained for establishing the proposed advisory committee, it will have an open membership and will provide balanced representation of the entities having experience and expertise in the various technical and operating fields involved in the Committee's areas of responsibility. It will be important that its membership be so constituted as to afford balanced representation of diverse interests, views, and experience,

and that minorities and women be duly represented.

All suggestions on potential participants in the Committee will be welcome. They should be addressed to: Federal Communications Commission, Office of Science and Technology, Washington, D.C. 20554, Attention: Edward Jacobs.

Action by the Commission February 11, 1981. Commissioners Lee (Acting Chairman), Quello, Washburn, Fogarty and Jones, with Chairman Ferris not participating.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5992 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for
Marine Services; Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 78, Notice of 2nd Meeting, Thursday, March 5, 1981—9:30 a.m., Conference Room 4234/36/38, Nassif (DOT) Building, 400 Seventh Street, SW, at D Street, Washington, D.C.

Agenda

1. Call to order and administrative matters.
2. Review of Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, NW., Washington, D.C., Phone: (202) 785-5116

Special Committee No. 78, Notice of 3rd Meeting, Tuesday, March 31, 1981—9:30 a.m., Conference Room 4436/38, Nassif (DOT) Building, 400 Seventh Street, SW, at D Street, Washington, D.C.

Agenda

1. Call to order and administrative matters.
2. Review of Federal Radionavigation Plan.

John C. Fuechsel, Chairman SC-78, National Ocean Industries Assoc., 1100 17th Street, NW., Washington, D.C., Phone: (202) 785-5116

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-5991 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-25]

AM Broadcast Applications Accepted
for Filing and Notification of Cut-Off
Date

Released: February 20, 1981.

Cut-off Date: March 30, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after March 30, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on March 30, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business on March 30, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on March 30, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

- BP-791105AA, WJBL, Zeeland, Michigan, Ottawa Broadcasting Corporation. Has: 1260 kHz, 5 kW, DA-D. Req: 1260 kHz, 1 kW, 5 kW-LS, DA-2, U
- BP-800418AI (new), Beaverton, Oregon, Dale A. Owens. Req: 1010 kHz, 0.25 kW, D
- BP-800611AD, WCRK, Morristown, Tennessee, WCRK, Inc. Has: 1150 kHz, 0.5 kW, 1 kW-LS, DA-N, U. Req: 1150 kHz, 0.5 kW, 5 kW-LS, DA-N, U.
- BP-801104AE, KAZM, Sedona, Arizona, Joseph P. Tabback, d.b.a./Tabback Broadcasting Co., Has: 1470 kHz, 5 kW D, Req: 780 kHz, 250 kW, 5 kW-LS, DA-N, U
- BP-801120AC, WIVE, Ashland, Virginia, Christiam Enterprises, Inc. Has: 1430 kHz, 1 kW, D, Req: 1430 kHz, 5 kW, DA-D
- BP-801125AA, WTOE, Spruce Pine, North Carolina, Toe River Valley Broadcasting Company, Inc. Has: 1470 kHz, 1 kW, D, Req: 1470 kHz, 5 kW, D
- BP-801210AF (new), Elloree-Santee, South Carolina, Santee-Cooper Broadcasting Co. Req: 1370 kHz, 5 kW, DA-D
- BP-801216AA, WOLD, Marion, Virginia, Emerlad Sound, Inc. Has: 1330 kHz, 1 kW, D, Req: 1330 kHz, 5 kW, D
- BP-801224AC (new), Tamarac, Florida, Broward Public Radio Association, Inc. Req: 670 kHz, 1 kW, DA-1, U
- BP-801229AB, KHUG, Phoenix, Oregon, Roque Valley Broadcasting Corporation. Has: 1300 kHz, 5 kW, D, Req: 1300 kHz, 5 kW, DA-N, U

BP-801230AC (new), Glencoe, Minnesota,
McLeod County Broadcasting Company.
Req: 1550 kHz, 0.5 kW, DA-D

[FR Doc. 81-5089 Filed 2-20-81; 8:45 a.m.]
BILLING CODE 6712-01-M

[Report No. B-8]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 20, 1981.
Cut-off Date: March 30, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and listed as subject to cut-off dates for conflicting applications, no application which would be in conflict with these applications will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on March 30, 1981.

Minor amendments to these applications, and to the applications they are in conflict with, may be filed as a matter of right not later than the close of business on March 30, 1981.

BPI-801211AH (new), Beaufort, South Carolina, Ronald J. Prohaska and Patricia P. Prohaska d.b.a. Radio Station WSIB.
Req: 1490 kHz, 250 W, 500 W-LS, U
BP-810206AD (new), Beaufort, South Carolina, Bobby S. Merritt, Mildred L. Merritt, Emil H. Klatt, Jr., and Alice Klatt.
Req: 1490 kHz, 250 W, 500 W-LS, U

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 81-5088 Filed 2-20-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. B-18]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February 20, 1981.
Cut-off Date: April 2, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on

file with the Commission not later than the close of business on April 2, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on April 2, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

BPCT-801208KH (new), Victoria, Texas, Community Broadcasting of Coastal Bend, Inc. Channel 25. ERP: Vis. 2140 kW; HAAT: 1020 feet
BPCT-801208KI (new), Burlington, North Carolina, National Group Telecommunications of Burlington, Inc., Channel 16. ERP: Vis. 4502 kW; HAAT: 520 feet
BPCT-801229KH (new), Orange Park, Florida, Christian Communications of Clay, Inc., Channel 25. ERP: Vis. 5000 kW; HAAT: 580 feet
BPCT-801229KK (new), Orange Park, Florida, Orange Park Florida T.V., Inc., Channel 25. ERP: Vis. 5000 kW; HAAT: 1025 feet
BPCT-801229KI (new), Manchester, New Hampshire, Golden Triangle Broadcasting Corp., Channel 50. ERP: Vis. 4709 kW; HAAT: 700 feet
BPCT-810121KF (new), Derry, New Hampshire (Manchester allocation), CTV of Derry, Inc. Channel 50. ERP: Vis. 1430 kW; HAAT: 704 feet
BPCT-801229KJ (new), Irving, Texas, Irving Texas T.V., Inc., Channel 49. ERP: Vis. 5000 kW; HAAT: 1492 feet
BPCT-810121KE (new), San Juan, Puerto Rico, Three Star Telecast, Inc., Channel 18. ERP: Vis. 3499 kW; HAAT: 1136 feet
BPCT-810121KG (new), Iron Mountain, Michigan, John R. Powley, Channel 8. ERP: Vis. 316 kW; HAAT: 714 feet

[FR Doc. 81-5090 Filed 2-20-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket Nos. 81-48 and 81-49; File Nos. BPCT-800114KG and BPCT-800721KG]

Appalachian Broadcasting Corp., and West Virginia Telecasting, Inc.; Applications; Hearing Designation Order

In the matter of applications, Appalachian Broadcasting Corp., Charleston, West Virginia (BC Docket No. 81-48, File No. BPCT-800114KG) and West Virginia Telecasting, Inc., Charleston, West Virginia (BC Docket No. 81-49, File No. BPCT-800721KG) for Construction Permit; Hearing designation order.

Adopted: January 23, 1981.
Released: February 11, 1981.
By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 23, Charleston, West Virginia.

West Virginia Telecasting, Inc.

2. Since no determination has been reached that the antenna proposed by West Virginia Telecasting, Inc. would not constitute a menace to air navigation, an issue regarding this matter is required.

Appalachian Broadcasting Corporation

3. Analysis of the financial data submitted by applicant reveals that \$1,805,965 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	\$1,058,715
Land	233,000
Building	250,000
Miscellaneous	89,250
Operating Costs (three months)	175,000
Total	1,805,965

Appalachian proposes to finance construction from a loan from Kanawha County with proceeds generated from a \$3,000,000 Kanawha County Revenue bond issue.¹ However, we cannot determine that the loan is available because: (1) terms of repayment by Appalachian to Kanawha County are not specified in the Bond resolution or Inducement Contract (which pertains to proposed financing of the acquisition, construction and equipping of the television station facility); (2) Appalachian has not submitted information indicating that the bonds are marketable, and no provisions have been made to underwrite the bond issue; and (3) the Inducement Contract may be cancelled by either party after January 6, 1981. Accordingly, appropriate financial issues will be designated.

4. The Federal Aviation Administration has issued a Determination of Hazard to Air Navigation for Appalachian's proposed tower site, based on height and location. Consequently, an appropriate issue will be specified.

5. Also, we note that the proposed tower is to be located .48 miles from the existing Station WCHS-AM directional

¹ We note that the proceeds of the bond issue are to be applied only to construction costs. Therefore, as Appalachian's net liquid assets amount to only \$1,680, it would need an additional \$173,311 to finance its estimated \$175,000 first three months operating costs.

tower. Accordingly, should a construction permit be granted to this applicant, it will be appropriately conditioned.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to West Virginia Telecasting, Inc. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine with respect to Appalachian Broadcasting Corporation:

(a) whether it has the \$1,805,965 available to meet its estimated construction and operational costs; and
(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

3. To determine with respect to Appalachian Broadcasting Corporation whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, should a construction permit be granted to Appalachian Broadcasting Corporation, such grant will be subject to the following condition:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM Station WCHS so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Both prior to construction of the TV tower and subsequent

to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commissions' Rules, shall be conducted to establish that the AM array has not been adversely affected, and, BEFORE TV PROGRAM TESTS COMMENCE, the result submitted to the Commission and to the AM station.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73-3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-8964 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-42, 81-43, 81-44 and 81-45; File Nos. BPH-791026AE, BPH-800403AB, BPH-800723AI and BPH-800725AA]

Hendren Communications, et al.; Applications; Hearing Designation Order

In the matter of applications of Kim D. Hendren and Marylea Hendren, d.b.a. Hendren Communications, Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1246 feet (BC Docket No. 81-42, File No. BPH-791026AE); Boston Mountain Broadcasting Corp., Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1259 feet (BC Docket No. 81-43, File No. BPH-800403AB); Little Chief Broadcasting Company of Fayetteville, Inc. (KKEG), Fayetteville, Arkansas, Has: 92.1 MHz, Channel 221, 1.15 kW (H&V), 455 feet; Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1293 feet (BC Docket No. 81-44, File No. BPH-800723AI); and

Fayetteville Communications Company, Fayetteville, Arkansas, Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1252 feet (BC Docket No. 81-45, File No. BPH-800725AA); for a construction permit for a new FM station or modification of existing facilities of station KKEG-FM, Fayetteville, Arkansas; Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: January 16, 1981.

Released: February 3, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (1) the above-captioned mutually exclusive applications of Kim D. Hendren and Marylea Hendren d.b.a. Hendren Communications (Hendren), Boston Mountain Broadcasting Corp. (Boston), and Fayetteville Communications Company (Faycom) for a construction permit for a new FM station at Fayetteville, Arkansas; and (2) the mutually exclusive application of Little Chief Broadcasting Company of Fayetteville, Inc., (KKEG) licensee of Station KKEG-FM, Fayetteville, Arkansas, for a modification of its existing facilities.

2. Although Hendren plans to have a staff on nine employees, it has not indicated how many of those will be employed on a fulltime basis or provided us with a statement of its equal employment opportunity program, if such a statement is indeed required. Accordingly, an appropriate issue will be specified.

3. The terrain profile data submitted by Hendren and Faycom indicate that both of these applicants' proposals will not provide clear line-of-sight paths to the entire city of Fayetteville. Boston and KKEG have not provided us with sufficient terrain profile data to determine whether a similar line-of-sight problem exists regarding their applications. In order to determine whether each applicant's proposal provides sufficient coverage to Fayetteville with at least a 3.16 mV/m signal, an appropriate issue will be specified.

4. The Commission amended the FM table of assignments in its *Second Report and Order* in Docket No. 19879 (RM-2264) as follows: an applicant for channel 300 in Fayetteville must specify facilities of 100 kW power and 2000 feet antenna height above average terrain or the equivalent. We indicated that our primary concern was to insure that the channel 300C licensee "provide a first aural service at night to 8,650 persons and a second such service to 35,960

persons." While all four applicants specify power of 100 kW, none is able to specify antenna height above average terrain of 2000 feet. All four applicants instead specify heights ranging from 1246-1293 feet. Hendren, Boston and KKEG all request waivers of the antenna height requirement, citing inability to secure FAA approval. In addition, these three applicants state that their proposals will satisfy the population service requirements that we discussed in the rulemaking. Only Faycom does not affirmatively seek a waiver of the antenna height requirement. In view of the similar facilities specified by all the applicants, we will specify an issue as to whether this provision of the table of assignments should be waived.

5. Data submitted by the applicants indicate that there would be no significant difference in the size of the areas which would receive service from the proposals. There is a significant difference, however, in the estimated populations to be served, possibly due to Boston's transmitter location southeast of Fayetteville. Consequently, for the purpose of comparative, the populations which would receive FM service of 1 mV/m or greater strength, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparison preference should accrue to any of the applicants.

6. Faycom has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Hendren has proposed to have five or more fulltime employees, and, if so, whether it has submitted a statement regarding its equal employment opportunity program as required by Section VI of FCC Form 301.

2. To determine whether the proposals of Hendren, Boston, Faycom and KKEG will provide a 3.16 mV/m signal to Fayetteville as required by Section

73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

3. To determine whether the proposals of Hendren, Boston, Faycom and KKEG comply with the FM Table of Assignments in Section 73.202 of the Rules by specifying the required facilities for channel 300C in Fayetteville, Arkansas and, if not, whether circumstances exist which warrant a waiver of that requirement.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Faycom would constitute a hazard to air navigation.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing, within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-9884 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-72, File No. 5034-CM-P-80 and CC Docket No. 81-73, File No. 10502-CM-P-80]

Application of J. McCarthy Miller and Microband Corporation of America for Construction Permits in the Multipoint Distribution Service for a New Station at Ocala, Florida; Hearing Designation Order

Memorandum Opinion and Order

Adopted: February 2, 1981.

Released: February 11, 1981.

By the Deputy Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced application of J. McCarthy Miller, filed on April 4, 1980 (accepted on Public Notice of June 3, 1980) and the application of Microband Corporation of America, filed on July 28, 1980 (accepted on Public Notice of August 19, 1980). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Ocala, Florida. The applications are therefore mutually exclusive under present procedures and require comparative consideration. There are no petitions to deny or objection under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR § 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That J. McCarthy Miller, Microband Corporation of America and the Deputy Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in

¹ Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

accordance with the provisions of § 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations Common Carrier Bureau.

[FR Doc. 81-5066 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-70, File No. 3567-CM-P-80 and CC Docket No. 81-71, File No. 4959-CM-P-80]

Applications of Roger A. Meyers and Telecommunications Systems, Inc. For a Construction Permit in the Multipoint Distribution Service for New Stations in Nevada; Hearing Designation Order

Memorandum Opinion and Order

Adopted: February 2, 1981.

Released: February 11, 1981.

By the Deputy Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced application of Roger A. Meyers, filed on January 21, 1980 (accepted on Public Notice February 5, 1980) and the application of Telecommunications Systems, Inc. filed on April 3, 1980 (accepted on Public Notice June 3, 1980). Both applications are for a construction permit in the Multipoint Distribution Service and both propose operations on Channel 1 in the Carson City, Nevada area. The applications are therefore mutually exclusive under present procedures and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making

such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Roger A. Meyers, Telecommunications Systems, Inc. and the Deputy Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Thomas J. Casey,

Deputy Chief, Operations Common Carrier Bureau.

[FR Doc. 81-5067 Filed 2-20-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any

¹ Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 13, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (consumer finance and insurance activities; Pennsylvania); to engage through its subsidiary, Ritter Consumer Discount Company, Inc., of Pennsylvania, in the activities of purchasing consumer installment sales finance contracts; and of selling credit life, accident and health, and property damage and liability insurance directly related to such contracts. These activities would be conducted from four offices located in Philadelphia, Pennsylvania, serving Philadelphia and Delaware Counties, Pennsylvania, and contiguous areas.

B. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, February 13, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5065 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bank Purchase Co., Formation of Bank Holding Company

Citizens Bank Purchase Company, Eugene, Oregon, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens Bank of Oregon, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written

presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5891 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

First State Corp.; Formation of Bank Holding Company

First State Corporation, Albany, Georgia, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to First State Bank & Trust Company, Albany, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5892 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-02-M

First Jersey National Corp.; Acquisition of Bank

First Jersey National Corporation, Jersey City, New Jersey, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Perth Amboy National Bank, Perth Amboy, New Jersey. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment

on the application should submit views in writing to the Reserve Bank, to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5893 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

Pacwest Bancorp; Acquisition of Bank

Pacwest Bancorp, Milwaukie, Oregon, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire, through its wholly owned subsidiary, Citizens Bank Purchase Company, 80 percent or more of the voting shares of Citizens Bank of Oregon, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5894 Filed 2-20-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Service

Commission of Maryland involving electric and gas utility rates.

2. *Effective date.* This delegation is effective immediately.

3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Public Service Commission of Maryland involving the application of the Baltimore Gas and Electric Company for gas and electric rate increases.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: February 11, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-8957 Filed 2-20-81; 8:45 am]

BILLING CODE 6020-AM-M

[D-81-1]

Delegation of Authority to the Secretary of Health and Human Services

1. *Purpose.* This delegation authorizes the Secretary of Health and Human Services to lease approximately 15,000 square feet of special purpose space to house an outpatient clinic for the Public Health Service in Galveston, Texas.

2. *Effective date.* This delegation became effective on November 7, 1980.

3. *Expiration date.* This delegation shall expire 20 years after the effective date of the lease or upon expiration of the lease, whichever occurs sooner.

4. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Health and Human Services to perform all functions in connection with the leasing of approximately 15,000 square feet of special purpose space to house

an outpatient clinic for the Public Health Service in Galveston, Texas.

b. This delegation shall extend to leasing space under authority in section 210(h)(1) of the above-cited act (40 U.S.C. 490(h)(1)) for a period not to exceed 20 years.

c. The Secretary of Health and Human Services may redelegate this authority to any officer, official, or employee of the Department of Health and Human Services.

d. This authority shall be exercised in accordance with the applicable limitations and requirements of the above-cited act; section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), as amended; other applicable statutes and regulations, including 41 CFR 101-18.105(d), together with policies, procedures, and controls prescribed by the General Services Administration.

Dated: February 11, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-9956 Filed 2-20-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Epidemiologic Study of Portsmouth Naval Shipyard and Cutaneous Toxicity Hazards; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Epidemiologic Study of Portsmouth Naval Shipyard

Date: March 17, 1981

Time: 8:30 a.m. to 4:00 p.m.

Place: Federal Office Building, Room 5405E, 550 Main Street, Cincinnati, Ohio 45226

Purpose: To discuss epidemiologic studies of civilian employees at the Portsmouth Naval Shipyard.

Additional information may be obtained from: Mr. Philip J. Bierbaum, Division of Surveillance, Hazard Evaluations and Field Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226. Telephone: (513) 684-2422.

Purpose: To discuss epidemiologic studies of civilian employees at the Portsmouth Naval Shipyard.

Cutaneous Toxicity Hazards

Date: March 24, 1981

Time: 8:30 a.m. to 4:00 p.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-56, Cincinnati, Ohio 45226

Purpose: To discuss details of a project concerning: a) assessment of objective methods for the evaluation of phototoxic responses, and b) development of methods for studying the percutaneous absorption potential of chemicals in the work environment.

Additional information may be obtained from: Allan S. Susten, Ph. D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226. Telephone: (513) 684-8357 or 684-8394.

Dated: February 17, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-9958 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-87-M

Physiological and Behavioral Effects of Diurnal Shifts and Cold Stress, Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Centers for Disease Control and will be open to the public for observation and participation limited only by space available:

Physiological and Behavioral Effects of Diurnal Shifts and Cold Stress

Date: March 12, 1981

Time: 9:00 a.m. to 11:00 a.m.

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B-38, Cincinnati, Ohio 45226

Purpose: To discuss details of an in-house laboratory investigation of the independent and combined effects of diurnal phase shifts and cold stress on select physiological and behavioral parameters in rats.

Additional information may be obtained from: Michael J. Colligan, Ph.D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio, 45226. Telephone: (513) 684-8286.

Dated: February 13, 1981.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 81-9959 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-87-M

Work Group to Review Clinical Trial Data on Hepatitis B Vaccine; Open Meeting

On March 17, 1981, the Centers for Disease Control will convene an open meeting of a work group to review clinical trial data on hepatitis B vaccine and to determine validity of the study. The meeting is open to the public, limited only by space available. Time will be set aside for public comment.

The meeting is scheduled to begin at 8:00 a.m., at 4402 North Seventh Street, Phoenix, Arizona 85014.

Additional information may be obtained from: James E. Maynard, M.D., Director, Hepatitis Laboratories Division, Center for Infectious Diseases, Centers for Disease Control, 4402 North Seventh Street, Phoenix, Arizona 85014. Telephones: FTS: 261-2661, Commercial: 602/241-2661.

Dated: February 13, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-9960 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Health Professions Educational Assistance Act of 1976; Direct and Affiliated Medical Residency Program Data

Section 771(b)(2) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94-484), requires that schools of medicine, to establish eligibility in part, for participation in Health Professions Capitation Grant Program, have a specified minimum percentage of all filled first-year residencies in direct and affiliated medical residency training programs in primary care. Primary care is defined in section 771(b) as family practice, general internal medicine, and general pediatrics. The authorizing legislation requires the following percentages of the filled first-year residencies in primary care: 35 percent on July 15, 1977, 40 percent on July 15, 1978, and 50 percent on July 15, 1979. The requirement that first-year residents in primary care specialties be at least 50 percent of all filled first-year positions, as of July 15, 1980 is implicitly extended by the Continuing Resolution which establishes the funding levels of this program for fiscal year 1981. These percentages are to be computed nationally. If the percentages are not met at a national level, a school-by-school determination will be necessary.

Determination by the Department of Health and Human Services

Based on the information provided by medical schools in August 1980, the Department of Health and Human Services determined that 52.8 percent of all filled first-year positions in direct and affiliated medical residency training programs, as of July 15, 1980, were in the primary care specialties, and that the required 50 percent has been met and exceeded.

Methodology and Definitions for Establishing the Percentages

The materials containing statutory background information and program guidelines, instructions and applications for Special Requirements and Assurances under the Capitation Program were designed by the Health Resources Administration, Department of Health and Human Services and forwarded to all schools of medicine.

For the purpose of section 771(b)(2), only medical residency training programs approved by the Liaison Committee on Graduate Medical Education (LCGME) were recognized in the count. The specialties included are:

1. Allergy and Immunology
2. Anesthesiology
3. Colon and Rectal Surgery
4. Dermatology
5. Family Practice
6. Emergency Medicine
7. General Surgery
8. Internal Medicine
9. Neurological Surgery
10. Neurology
11. Nuclear Medicine
12. Obstetrics and Gynecology
13. Ophthalmology
14. Orthopedic Surgery
15. Otolaryngology
16. Pathology
17. Pediatrics
18. Physical Medicine and Rehabilitation
19. Plastic Surgery
20. Preventive Medicine
21. Psychiatry
22. Radiology
23. Thoracic Surgery
24. Urology

Each school of medicine was asked to provide the following information:

1. The number of direct and affiliated medical residency training programs of the school.
2. The number, as of July 15, 1980, of full-time and full-time equivalent residents in first-year positions in the

primary care specialties of family practice, internal medicine, and pediatrics. Shared-schedule or less than full-time equivalent residency positions were counted as fractional positions rounded to the nearest one-tenth of a full-time equivalent position, based on the proportion of total benefits received by the incumbent of the position.

3. The number, as of July 15, 1979, of full-time and full-time equivalent residents in first-year positions in the primary care specialties of family practice, internal medicine, and pediatrics, who, as of July 15, 1980, were no longer in any direct or affiliated primary care medical residency training program of any school.

4. The number, as of July 15, 1980, of filled first-year residency positions in all direct and affiliated medical residency training programs.

5. The number of first-year positions in the following types of medical residency training programs:

a. Categorical first-year program. (A first-year program which is planned, sponsored, and conducted by a single accredited medical residency training program as part of that residency. The content of the first year is limited to the specialty field of the sponsoring residency program.)

b. "Categorical" first-year program. (A first-year medical residency training program which is planned, sponsored, and supervised by a single, accredited residency program as part of that residency. The content of the first year is not limited to a single specialty).

c. Flexible first-year program. (A first-year medical residency training program which is sponsored by two or more accredited residency programs and jointly planned and supervised by the residency programs that sponsor them).

The formula for computing the percentages is as follows:

$$\frac{\text{Filled First-Year Primary Care Residency Positions}}{\text{Total Number of First-Year Residents}} \times 100 = \text{Percentage in Primary Care}$$

The numerator of the fraction—Filled First-Year Primary Care Residency Positions—comprises the total of all full-time and full-time equivalent, categorical, and "categorical" first-year positions in family practice, internal medicine, and pediatrics and all filled flexible positions sponsored exclusively by family practice, internal medicine, and/or pediatrics, as of July 15, 1980, less the number of residents who, as of July 15, 1979, had been in first-year primary care positions and, as of July 15,

1980, were no longer in any such program.

The denominator of the fraction—Total Number of (full-time and full-time equivalent) First-Year Residents—comprises the total of:

1. All positions in categorical and "categorical" first-year programs in family practice, internal medicine, pediatrics, obstetrics-gynecology, pathology, and general surgery;

¹The term, "Categorical" was adopted by the LCGME and is in general use.

2. All positions in flexible first-year programs, regardless of the specialty of sponsoring residency programs; and

3. All positions filled by residents in medical residency training programs sponsored by specialties other than those identified in Item (1) above, and who were in their first year of graduate medical education.

Robert Graham,

Acting Administrator,

February 17, 1981.

[FR Doc. 81-5945 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-83-M

Public Health Service

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1981:

Name: HEALTH SERVICES DEVELOPMENTAL GRANTS REVIEW SUBCOMMITTEE

Date and Time: March 2-3, 1981, 9:00 a.m.

Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036

Open March 2, 9:00 a.m.—10:00 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 2, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6916.

Name: HEALTH SERVICES RESEARCH REVIEW SUBCOMMITTEE

Date and Time: March 4-6, 1981, 8:00 a.m.

Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036

Open March 4, 8:00 a.m.—9:00 a.m.

Closed for remainder of meeting.

Purpose: The objective of the Subcommittee is to advise the Secretary and

make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit review of health services research grant applications involving primarily the analysis and use of economic, statistical, and other theoretical approaches which examine problems associated with the delivery of health services.

Agenda: The open session of the meeting on March 4, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6918.

Name: HEALTH CARE TECHNOLOGY STUDY SECTION

Date and Time: March 16-18, 1981, 8:30 a.m.
Place: Gramercy Inn, South Scott Room, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036

Open March 16, 8:30 a.m.-12:00 noon
Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on March 16 will be devoted to a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436-6196.

Agenda items are subject to change as priorities dictate.

Dated: February 5, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 5688 Filed 2-20-81; 8:45 am]

BILLING CODE BC 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of hyperbaric oxygen therapy for treatment of the following disorders:

Multiple Sclerosis
Arthritis
Chronic Peripheral Vascular Insufficiency
Acute Peripheral Arterial Insufficiency
Senility—(Cerebral Insufficiency Secondary to Atherosclerosis)
Actinomycosis
Soft Tissue Radionecrosis
Acute Traumatic Peripheral Ischemia
Crush Injuries and Suturing of Severed Limbs
Acute Cerebral Edema
Chronic Refractory Osteomyelitis

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301)443-4990.

Dated: February 12, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-5887 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of percutaneous transluminal coronary angioplasty in treatment of coronary artery disease.

Based on this evaluation, a recommendation will be formulated to

assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: February 12, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-5886 Filed 2-20-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of melodic intonation therapy in the treatment of aphasia.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT:

Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: February 13, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-5044 Filed 2-20-81; 9:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation for Medical Technology

The National Center of Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of electroencephalographic monitoring during open heart surgery and the immediate post-operative period. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than May 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17-A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M. D., M.P.H., Health Science Analyst, at the above address or by telephone, (301)443-4990.

Dated: February 17, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-6001 Filed 2-20-81; 9:45 am]

BILLING CODE 4110-85-M

Office of the Secretary

Resettling Refugees; Availability of Funding

AGENCY: HHS, Office of Refugee Resettlement (ORR) Office of the Secretary.

ACTION: Notice of the availability of funding.

SUMMARY: This document governs the award of a grant to a non-profit organization for the development and production of a comprehensive, refugee-related information system. This project includes the publication and national

distribution of a newsletter and a refugee casework journal.

DATE: Applications may be mailed, first class mail, postmarked not later than 11:59 p.m., April 15, 1981, or hand delivered not later than 5 p.m. Eastern Standard time on the same date at the central office, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Barry Gordon, 202-245-0403.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This announcement describes the availability of funding for a national service project to establish a comprehensive information system in support of refugee resettlement activities. It is anticipated that this will be a three year project, with funding after the first year contingent on the fulfillment of all the conditions of the agreement, annual budget allocations, and future congressional appropriations.

Multiple sources within the refugee resettlement community have indicated that there is a critical need for the dissemination and exchange of information. This need includes timely access to legislative and government funding initiatives, program models, research and statistical data, and resource material. These materials have proven difficult to access at the local, state and national levels, and particularly in non-urban communities.

The successful grantee will demonstrate an established record of liaison with the refugee resettlement community, and/or a working knowledge of resettlement practices, and the ability to successfully perform the proposed publication activity.

II. Authorization

Funds for the activity described below will be provided under the Refugee Act of 1980. Catalogue of Federal Domestic Assistance No. 13.814.

III. Eligible Grantees

Eligible grantees are organizations incorporated as non-profit under the laws of their State. Private for-profit agencies or firms are not eligible.

IV. Allotment of Funds

Approximately \$500,000 will be made available for purposes of this announcement for the 12-month period following the date of the award. This is a one year award with future support predicated on satisfactory performance and availability of funds.

V. Scope of Activities

It is essential that a strict time frame be established and adhered to throughout this project. Because timeliness is viewed as critical to project success and to publication dates, rigorous maintenance of specified time/task accomplishment will be a special condition of the award. In addition, prior approval by the Office of Refugee Resettlement will be required regarding key personnel and publication format.

The following tasks are to be performed:

Task 1: Develop and publish a bi-weekly, refugee-related newsletter for national distribution.

This newsletter serves three primary purposes: (a) timely access to information significant to refugees and resettlement activities, e.g., legislation and funding sources, government regulations; (b) exchange of program-related information, e.g., program models, resource materials; (c) presentation of refugee-related issues, e.g., housing, health, education. The standard distribution list will target individuals, groups, and communities involved with refugee resettlement and will number 20,000. A pre-existing list of approximately 10,000 will be furnished by the Office of Refugee Resettlement. The successful grantee will be expected to make substantial additions to the subscription list.

Task 2: Develop and publish a quarterly professional journal on refugee resettlement for national distribution. The quarterly journal will provide a forum for in-depth presentation of refugee-related activities and issues reflecting practicality and applicability, including such activities as analysis of either suggested and/or actual program service models, research activities, casework, management, administrative and policy considerations. Journal issues should average a minimum of 64 pages. Journal distribution will approximate 5000-7500 units.

Task 3: Develop a mechanism for frequent feedback from relevant project recipients. This task will include some form of reader/user survey and a procedure ensuring responsiveness to survey findings, as well as responsiveness to information obtained through other systematic forms of evaluation.

Task 4: The grantee must establish a project advisory board. This board should have a clearly defined role and relationship to the various aspects of the project. The advisory board or a designated committee may be especially active in providing professional peer review for the journal, while having a

more limited role in the publishing of the newsletter.

VI. Application Submission and Approval Procedures

Applicants should immediately comply with the OMB Circular A-95 procedures which require notification to area clearing-house(s) of grantee intent to submit an application. The short period of time between publication of this notice and award of the grant makes it imperative that applicants comply with this requirement immediately.

Applicants may request grant applications from the Office of Refugee Resettlement, HHS, 330 C Street, S.W., Washington D.C. 20201, 202-245-0403. An original application and two copies must be received by the Director, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201 by 5 p.m. Eastern Time on Wednesday April 15, 1981, or sent by first class mail, postmarked before 11:59 p.m. Late grant applications will not be accepted.

Regulations applicable to this program are set forth in the Grants Administration Manual (GAM) Title 45 Part 74 of the Federal Regulations, "Administration of Grants".

An independent panel will be convened to evaluate and rate applications. The final funding decision will be made by the Director of the Office of Refugee Resettlement. Criteria for panel evaluation are listed below. It is estimated that grant awards will be issued on or about June 1, 1981.

VII. Criteria for Evaluating Applications

Project grant applications will be evaluated and rated according to the following criteria:

1. The presentation of a clear, efficient, cost-effective plan for organizing, developing, and accomplishing the establishment of the comprehensive information system including the publication of the newsletter and journal.
2. The extent to which the applicant can demonstrate the ability to deliver the proposed services including meeting program timelines.
3. An operationally feasible plan for the establishment of an efficient working relationship between the advisory board and project staff to ensure responsiveness to professional and practitioner needs.
4. A clear delineation of the advisory board roles and how it relates to project operations. Of particular importance to the maintenance of the journal quality is the establishment of a professional peer review procedure.

5. Familiarity and past participation by the applicant within the refugee resettlement process, or the demonstrated ability to establish a working knowledge and familiarity of the subject within a very limited time.

6. The ability to access refugee-related information sources and to maximize the flow of communications within and between these sources.

7. The extent to which activities can be evaluated quantitatively and qualitatively as demonstrated by a reasonable plan for project evaluation.

8. Demonstrated organizational capacity for overall administrative management.

9. The reasonableness of anticipated costs.

VIII. Application Content

All applicants will use Standard Form 424, "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

1. Assurance that applicant has complied with procedures of OMB Circular A-95 involving notification of a State or regional clearinghouse. (See Item VI, Paragraph 1 above).

2. Description of the applicant organization including its organizational mandate, funding sources, principal officers, addresses, telephone number, and photo copies of the organization's certificate on non-profit status (501-C-3-papers).

3. A listing and explanation of any previous, relevant applicant experience related to this project. Appropriate projects may include (but are not limited to) periodical newsletter or journal production; intensive work with refugees or other special populations; resettlement activities; or other similar specialized projects.

4. Specification of project goals, objectives, and a work plan for their accomplishment. This plan should specifically include a task by task implementation and time schedule.

5. Establishment of an advisory board reflecting experience and expertise relative to the project objectives must be detailed.

6. An evaluation plan to ensure that project objectives are met, and the project and its publications are responsive to suggested changes and findings.

7. A management plan to accomplish fiscal and program administration including but not limited to the following: staff supervision, production management, establishment and maintenance of an adequate information, storage, retrieval and dissemination system.

8. Position descriptions and qualifications for the project director and key staff. All staff must possess demonstrable relevant prior experiences for the functions they are hired to perform. Prior Office of Refugee Resettlement approval will be required for the appointment or change of any key personnel.

IX. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grant. In addition to the fiscal reporting requirements as delineated in Title 45 CFR Part 74 (GAM/HHS), quarterly project progress reports will be required—due 10 days after the last day of each quarter following the effective date of the grant. The format for these reports will be provided by the Office of Refugee Resettlement.

Roger P. Winter,

Director, Office of Refugee Resettlement.

(FR Doc. 81-5964 Filed 2-20-81; 8:45 am)

BILLING CODE 4110-92-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1059]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective March 25, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-557-0605. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Employee Counseling and Occupational Health Records (HUD/DEPT-67). The system will contain information about HUD employees who are present or past participants in the Employee Counseling and Occupational Health (ECOHP) program. The records provide documentation of the referral of

the employee to a referral service and contain other related information to facilitate the proper administration of personnel procedures that allow the employee to work most effectively in the ECOHP Program, such as correspondence from the referral service indicating the need for various administrative functions to be performed by the agency (continuation/termination of the employee's involvement in the program, the need for the regular use of sick leave by the employee, other recommendations that would affect the employee's working relationships, etc.). Occasionally, the diagnosis of the employee's condition is received and maintained in the file. Appendix A, which lists the addresses of HUD's offices was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on January 12, 1981.

HUD/DEPT-87

SYSTEM NAME:

Employee Counseling and Occupational Health Records.

SYSTEM LOCATION:

Headquarters and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees seeking assistance with alcoholism, drugs or emotional problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, duty assignment, service to which the employee is referred, request, status memoranda from referral services and occasionally diagnosis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 79-658, Employee Health Act, 1946, Public Law 89-183, Mental Health Act, 1963, Public Law 91-616, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, 1970, Public Law 92-225, Drug Abuse Office and Treatment Act, 1972.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To referral services to document referral, status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are stored in a lockable cabinet in a secured area.

RETRIEVABILITY:

Name, service to which employee is referred.

SAFEGUARDS:

Files will be kept in locked cabinets. Access will be strictly controlled, and limited to employees who must have access in order to perform their duties.

RETENTION AND DISPOSAL:

These records are disposed of in accordance with the mandatory General Records Schedules contained in HUD Handbook 2228.2.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Employee Relations and EEO Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject employee, referral service.
(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))
Issued at Washington, D.C., February 13, 1981.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-0020 Filed 2-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Las Cruces District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 94-579, that a meeting of the Las Cruces District Grazing Advisory Board will be held on Thursday, March 26, 1981.

The meeting will begin at 10:00 a.m. in the Lake Valley Schoolhouse, Lake Valley, New Mexico.

The agenda for the meeting will include:

1. Approval of minutes.
2. Fiscal Year 1982 Range Improvement Projects.
3. Planning Criteria and Issues on Las Cruces/Lordsburg Resource Management Plan.
4. Update on Stewardship program.
5. Public comment period.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2:00 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1705 N. Valley Drive (P.O. Box 1420), Las Cruces, New Mexico 88001, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the Las Cruces BLM District Office and will be available for public inspections and reproduction (during regular business hours) for 30 days following the meeting.

Daniel C. B. Rathbun,

District Manager.

February 12, 1981.

[FR Doc. 81-0952 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Multiple Use Advisory Council, Meeting

Notice is hereby given in accordance with Public Law 94-579, that a meeting of the Las Cruces District Multiple Use Advisory Council will be held on Wednesday, March 25, 1981.

The meeting will begin at 9:30 a.m. in the Las Cruces Room, Best Western of Las Cruces, 901 Avenida de Mesilla, Las Cruces, New Mexico.

The agenda for the meeting will include:

1. Approval of minutes.
2. Update on Southern Rio Grande Environmental Impact Statement.

3. Work session on Las Cruces/ Lordsburg Resource Management Plan.

- a. Overview of planning process.
- b. Planning criteria
- c. Discussion period
- d. Summary of Council's
Recommendations

4. Public Comment Period—2:00.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2:00 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1705 N. Valley Drive (P.O. Box 1420), Las Cruces, New Mexico 88001, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the Las Cruces BLM District Office and will be available for public inspections and reproduction (during regular business hours) for 30 days following the meeting.

Daniel C. B. Rathbun,
Acting District Manager.

February 12, 1981.

[FR Doc. 81-5653 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona, Phoenix District, Phoenix/ Lower Gila Resource Areas Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Wednesday, March 25, 1981.

The meeting will begin at 9 a.m. in the conference room of the Bureau of Land Management Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Election of Officers
2. Status of Lower Gila North Planning
3. Status of Range Improvements for fiscal year 1981
4. Review of the New Grazing Regulations

5. Arrangements for future meetings
The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available

for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 12, 1981.

William K. Barker,
District Manager.

[FR Doc. 81-5654 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet March 27, 1981. The meeting will convene at 10:00 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR. The topic to be considered at the meeting is the land use planning process, with particular attention to the development of management alternatives.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:30 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by March 20, 1981. Depending upon the number or persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: February 6, 1981.

Melvin D. Berg,
Acting District Manager.

[FR Doc. 81-5955 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20224]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of March 8, 1920 be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of

October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 70

T. 21 S., R. 27 E.,

Sec. 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 40.00 acres in Harney County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before March 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal 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 withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land

Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 10, 1981.

Champ C. Vaughan, Jr.

(Acting) Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5930 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20231-B]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of June 7, 1922, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 84

T. 28 S., R. 45 E.,

Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 40.00 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except that the segregative effect is proposed to be expanded to include all mineral location under the mining laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 27, 1981. Upon determination by the State Director, Bureau of Land Management, that public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments, or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before March 27, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential

demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 10, 1981.

Champ C. Vaughan, Jr.,

(Acting) Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5931 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Known Leasing Area (Sodium); Bristol Dry Lake, Calif.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretary's Order No. 2948, Federal lands within the State of California have been classified as subject to the competitive sodium leasing provisions of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 262), as amended.

The name of the area, the effective date, and the total acreage involved are as follows:

(5) California

Bristol Dry Lake (California) Known Leasing Area (Sodium); June 9, 1979, 35,874.98 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Western Region, U.S. Geological Survey, 345 Middlefield

Road, MS 80, Menlo Park, California 94025.

Dated: February 12, 1981.

George F. Brown,

(Acting) Chief, Conservation Division.

[FR Doc. 81-5946 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-31-M

Request for Public Comment on Maximum Economic Recovery and Fair Market Value; Uinta-Southwestern Utah Regional Coal Team

AGENCY: U.S. Geological Survey, Department of Interior.

The U.S. Geological Survey has identified 11 tracts as candidates for possible lease sale in the Uinta-Southwestern Utah regional coal area of Colorado and Utah. These tracts are currently under consideration by the Uinta-Southwestern Utah Regional Coal Team and are the subject of ongoing environmental analysis. A description of these tracts is contained in Table I. More complete geological data on these tracts are available in the tract delineation report and the economic recovery potential analysis report prepared for each tract. These reports are available for public inspection at the office of the District Supervisor for Resource Evaluation, Conservation Division, U.S. Geological Survey, 1745 West 1700 South, Room 2070, Salt Lake City, Utah 84104. Additional data on these tracts are available from the Draft Environmental Impact Statement (DEIS). Copies of the DEIS are available from Ron Bolander, EIS Team Leader, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

The public is invited to submit written comments on the fair market value of the listed tracts to the U.S. Geological Survey. Comments should address, but not be limited to, the following:

1. The quantity and quality of the coal resource for each tract;
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production;
3. The recoverable reserves of coal on each tract;
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit);
5. The configuration of the larger mining unit of which the tract may be a part;
6. The price that the mined coal would bring in the marketplace;
7. The cost of producing the coal;

8. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or including inflation, in which case the anticipated rate of inflation should be given;

9. Depreciation and other accounting factors;

10. The value of the surface estate if privately held; and,

11. The terms and conditions of recent and otherwise similar coal land transactions in the area.

If information submitted is considered to be proprietary, the information should be so labeled in the first page of the written comment(s). The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be

sent to the Manager, Central Region, Conservation Division, U.S. Geological Survey, Box 25046, M.S. 609, Denver Federal Center, Denver, Colorado 80225. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts listed in Table I. A decision to lease any or all tracts will be made not less than 30 days from publication of a final environmental impact statement (EIS) for the Uinta-Southwestern Utah region. This sequence of steps is in accordance with the procedures specified in the 43 CFR series, Federal Coal Management Regulations. The final EIS is now under preparation by the Bureau of Land Management, Salt Lake

City, and is scheduled to be published on February 24, 1981.

Departmental policy calls for release of all non-proprietary data which are used as input in the discounted cash flow (DCF) evaluation model. Under this policy, we are releasing, for public comment and review, our initial estimates of the coal selling price, unit mining cost, discount rate, and inflation rate to be applied in the DCF evaluation of each tract. These estimates are presented in Table II. It must be recognized that these figures are only rough current estimates and will not necessarily reflect the ultimate values applied. The unit mining cost, in particular, may vary greatly after a detailed mining plan has been developed and all costs have been considered.

Table I.—Description of Possible Lease Tracts in Uinta-Southwestern Utah Coal Region

(All tracts in Utah)

Tract name, county, townships, and range (SLM)	Acres	Demonstrated reserve base estimate (millions of tons)	Probable type of mine	As-received Btu per pound	Sulfur content (percent)	Ash content (percent)
Tucker Canyon, Carbon, T. 12 S., R. 7 E.	161.4	2,147	Underground	(¹)	(¹)	(¹)
Miller Creek, Carbon, T. 13 S., R. 7 E.	1,999.05	43.3	Underground	12,100	0.67	6.76
Gordon Creek, Carbon, T. 13 S., Rs. 7 and 8 E.	4,283.89	54.9	Underground	12,400	505	6.2
Rilda Canyon, Emery, T. 16 S., R. 7 E.	640	19.5	Underground	12,580	.5	8.51
Meetinghouse Canyon, Emery, Ts. 16 and 17 S., R. 7 E.	1,063.38	31.0	Underground	12,670	.45	8.0
Cottonwood, Emery, T. 17 S., R. 7 E.	2,400	55.4	Underground	12,580	.58	7.6
North Horn Mountain, Emery, T. 18 S., Rs. 6 and 7 E.; T. 19 S., Rs. 6 and 7 E.	* 21,043	189.5	Underground	12,580	.58	7.8
Slaughterhouse Canyon, Carbon, T. 13 S., R. 7 E.	440	5.55	Surface	12,040	.61	6.24
Emery North, Emery, T. 21 S., R. 6 E.	2,161	38.3	Surface and underground	10,060	.96	22.01
Emery Central, Emery, Ts. 21 and 22 S., R. 6 E.	2,967.65	42,767	Surface	11,000	.8	14.3
Emery South, Emery, T. 23 S., R. 6 E.	748.42	11.53	Underground	12,320	.82	7.5

¹ Proprietary data. * Exact boundaries to be determined.

Table II.—Preliminary Estimates of Economic Data To Be Used in DCF Evaluations

Tract name	Coal selling price (dollars per ton)	Unit mining cost (dollars per ton)	Inflation rate (percent)	Nominal discount rate (percent, including inflation)
Tucker Canyon	\$20.50 to \$25.50	\$20 to \$25	0	19.9
Miller Creek	\$20.00 to \$25.00	\$20 to \$25	0	19.9
Gordon Creek	\$20.50 to \$25.50	\$20 to \$25	0	19.9
Rilda Canyon	\$20.50 to \$25.50	\$20 to \$25	0	19.9
Meetinghouse Canyon	\$23.00 to \$28.00	\$20 to \$25	0	19.9
Cottonwood	\$20.50 to \$25.50	\$20 to \$25	0	19.9
North Horn Mountain	\$20.50 to \$25.50	\$20 to \$25	0	19.9
Slaughterhouse Canyon	\$19.50 to \$24.50	\$20 to \$25	0	19.9
Emery North	\$16.00 to \$21.00	\$15 to \$20	0	19.9
Emery Central	\$18.00 to \$23.00	\$15 to \$20	0	19.9
Emery South	\$20.50 to \$25.50	\$20 to \$25	0	19.9

Frank A. Salwerowicz,
Acting Conservation Manager, Central Region.

[FR Doc. 81-5099 Filed 2-20-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary**Oil Shale Lease; Detailed Development Plan Modification; Public Hearings**

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of a Modification to the Detailed Development Plan, submitted February 2, 1981, for Oil Shale Lease Tract C-a, Serial No. Colorado 20046.

Prior to commencing any operations on the leased lands, under the Modification to the Detailed Development Plan, the lessees must obtain the approval of the USGS Deputy Conservation Manager-Oil Shale.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the Tract C-a Modification to the Detailed Development Plan on the following dates and at the following locations:

March 26, 1981

Fairfield Center, 200 Main, Meeker, Colorado

April 2, 1981

Denver Marina Hotel, 303 W. Colfax, Denver, Colorado

Hearings at both locations will begin in the afternoon at 1 p.m. and continue until all present are heard, or 3 p.m., whichever comes first. In the evening, hearings at both locations will begin at 7 p.m. and continue until all present are heard, or 9 p.m., whichever comes first. The Denver hearing will be in conjunction with a meeting of the Oil Shale Environmental Advisory Panel at which the plan modification will be under review.

Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the U.S. Geological Survey, Oil Shale Office, 131 North 6th Street, Grand Junction, Colorado, no later than March 20, 1981. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings must be received at the above address on or before April 8, 1981.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearings will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the Hearing's Officer will give others present an opportunity to be heard.

Notice is also given that copies of the Tract C-a Modification to the Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

U.S. Geological Survey, Oil Shale Office, 131 N. 6th, Grand Junction, Colorado

U.S. Geological Survey, Conservation Division, Bldg. 85, Denver Federal Center, Denver, Colorado

U.S. Geological Survey, Conservation Division, Reston, Virginia

Oil Shale Environmental Advisory Panel, Bldg. 67, Denver Federal Center, Denver, Colorado

Bureau of Land Management, Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colorado

Bureau of Land Management District Office, 455 Emerson Drive, Craig, Colorado

Bureau of Land Management Area Office, Meeker, Colorado

Bureau of Land Management, Utah State Office, 125 South State, Salt Lake City, Utah

Bureau of Land Management District Office, 170 South 500 East, Vernal, Utah

Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Avenue, Cheyenne, Wyoming

Mesa College Library, Grand Junction, Colorado

Mesa County Public Library, Grand Junction, Colorado

Montrose Regional Library, Montrose, Colorado

Delta Library, Delta, Colorado

Rangely Public Library, Rangely, Colorado

Meeker Public Library, Meeker, Colorado

Moffat County Library, Craig, Colorado

Garfield County Library, New Castle, Colorado

Colorado Mountain College Library, Glenwood Springs, Colorado

Glenwood Springs Public Library, Glenwood Springs, Colorado

Rifle Public Library, Rifle, Colorado

Uintah County Public Library, Vernal, Utah

Salt Lake City Public Library, Salt Lake City, Utah

Colorado State Library, 1362 Lincoln, Denver, Colorado

Library, Department of the Interior, Main Interior Building, Washington, D.C.

Colorado State University Library, Ft. Collins, Colorado

Colorado School of Mines Library, Golden, Colorado

U.S. Geological Survey Library, National Center, Reston, Virginia

U.S. Geological Survey Library, Denver, Colorado

Denver Public Library, Conservation Library, Denver, Colorado

David C. Russell,
Deputy Assistant Secretary of the Interior,
February 17, 1981.

[FR Doc. 81-5680 Filed 2-20-81; 8:45 am]
BILLING CODE 4310-84-M

Oil Shale Environmental Advisory Panel; Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held April 2 and 3, 1981, at

the Denver Marina Hotel, 303 West Colfax Avenue in Denver, Colorado. The meeting will begin at 8:30 a.m. on Thursday, April 2, in the Big Horn Room and conclude at noon, Friday, April 3.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is to review a Modification to the Detailed Development Plan for Lease Tract C-a which has been submitted by Rio Blanco Oil Shale Company. It is being held in conjunction with a public hearing on the same matter. The Panel will begin its review on Wednesday morning, April 2, and recess at noon for the hearing which will begin at 1 p.m. in the same meeting room. The Panel will reconvene after the afternoon hearing session. The public hearing will be reopened for an evening session at 7 p.m. The Panel will reconvene at 8:30 a.m. on Friday, April 3, to complete its review and adopt appropriate advice to the U.S. Geological Survey on the plan modification.

The Panel will receive reports from Department of the Interior officials, from various workgroups of the Panel and be briefed on the U.S. Synthetic Fuel Corporation's program and will consider any other matters which have come before the Panel.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the Panel members. Interested persons may make brief presentations to the Panel on Friday morning, April 3, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building, 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3275.

Further information concerning this meeting may be obtained from Mr. Ash's Office. Minutes of the meeting and the public hearing record will be available for public inspection 30 days after the meeting at the Panel's Office.

David C. Russell,
Deputy Assistant Secretary of the Interior,

February 17, 1981.

[FR Doc. 81-5681 Filed 2-20-81; 9:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Brantley Project, New Mexico; Public Hearings on Draft Supplement to Final Environmental Statement and on Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands)

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Water and Power Resources Service, has prepared a draft supplement to the final environmental statement (FES) for the Brantley Project, New Mexico. This draft supplement (INT DES 81-6, dated February 10, 1981) was made available to the public on February 10, 1981. The FES (FES 72-30) was dated September 11, 1972.

Brantley Project is located on the Pecos River some 15 miles upstream from the city of Carlsbad, New Mexico; the reservoir will extend downstream from existing McMillan Dam some 5.5 miles and upstream from McMillan Dam about 11 miles. Brantley dam will replace McMillan Dam which has been found to be unsafe.

Following authorization of the project in 1972, geologic investigations in 1974-75 included deeper drilling, coring, and percolation testing. Analysis of the data showed that the original damsite was geologically unsuitable and that construction of a dam along this alignment could, like McMillan Dam, result in another safety of dams problem. Test drilling and investigation have shown that a suitable foundation for a dam exists about 2,100 feet downstream from the original site. This new alignment was selected as the only reliable alternative to the original alignment. This draft supplement comparatively displays the two alignments and the environmental consequences of each.

Public hearings will be held at 7 p.m. on March 24 at New Mexico State University at Carlsbad, 1500 University Drive, and at 7 p.m. on March 25 in the Lecture Room, Artesia Christian College, Room 108, Richey Avenue, Artesia, New Mexico. The purpose of these hearings is threefold: to receive views and comments from interested organizations and individuals relating to the environmental impacts of the new dam alignment and to provide the public with information on the effect this modification will have on wetlands (Executive Order 11990) and flood plains (Executive Order 11988), and will give the public an opportunity to participate in the decisionmaking process.

Oral statements at the hearings will be limited to 10 minutes. Speakers will

not trade their time to obtain a longer oral presentation; however, the hearing officer may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to March 19, 1981, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Water and Power Resources Service, Suite 201, 714 South Tyler Street, Amarillo, Texas, telephone (806) 378-5400, extension 599, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by April 10, 1981, for inclusion in the hearing record.

Dated: February 19, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources Service.

[FR Doc. 81-6222 Filed 2-20-81; 10:05 am]

BILLING CODE 4310-09-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Arts of Ancient Egypt: Treasures on Another Scale" (included in the list¹ filed as part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the Smithsonian Institution in Washington, D.C., and the Egyptian Museum in Cairo. I also determine that the temporary exhibition or display of the listed exhibit objects at the Smithsonian Institution, Washington,

¹ An itemized list of objects included in the exhibit is filed as part of the original document.

D.C., beginning on or about March 15, 1981, to on or about April 26, 1981, and the Brooks Memorial Art Gallery, Memphis, Tennessee, beginning on or about May 6, 1981, to on or about June 17, 1981, is in the national interest.

Public notice of this determination is ordered to be published in the *Federal Register*.

Dated: February 18, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-6033 Filed 2-20-81; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 11, 1981

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14559F, filed January 21, 1981. WHITEFORD TRUCK LINES, INC. (640 West Ireland Road, South Bend, IN 46680)—purchased—WHITEFORD TRANSPORT, INC. (640 West Ireland Road, South Bend IN 46680). Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, In 46240. Whiteford Truck Lines, Inc., seeks authority to purchase the interstate operating rights of Whiteford Transport, Inc. Ronald Whiteford, who controls 58.3% of Whiteford Truck Lines, Inc., and Florence Whiteford who controls 41.7%, seek to acquire control of said operating rights through this transaction. Whiteford Truck Lines, Inc., seeks to purchase the operating rights of Whiteford Transport, Inc., issued in MC-109682 and sub-numbers thereunder, involving the transportation

of *New automobiles, new trucks, and new chassis*, in secondary movements, in truckaway service, between points in IN, DE, MD, NJ, NY, OH, PA, VA, WV, and DC, restricted to the transportation of vehicles which have been transported by said carrier, or by other carriers in initial movements from South Bend, IN, and further restricted against the transportation of such vehicles which have had an immediately prior movement by water; *New automobiles and trucks, chassis, and commercial trailers*, restricted to

initial movements, in driveaway service, from points of manufacture and assembly, from South Bend, IN, to points in OH, PA, NY, WV, and VA; from points in Wayne County, MI, and Warren Township, Macomb County, MI, to points in OH, PA, and WV; *New automobiles and trucks, chassis and commercial trailers*, restricted to initial movements in driveway service, from point of manufacture or assembly during the open season of navigation on the Great Lakes, from points in Wayne County, MI, and those in Warren Township, Macomb County, MI, to boat docks in Detroit, MI; *New automobiles, new trucks and new chassis*, initial movements in truckaway and driveaway service, from South Bend, IN, to points in DE, MD, NJ, and DC; *New automobiles, new trucks, and new chassis*, in initial movements in truckaway service, from South Bend, IN, to points in IN, NY, OH, PA, VA, and WV; *New automobiles, new automobile bodies and chassis, and automobile show equipment and paraphernalia*, in initial movements in driveway service, and *farm and garden tractors and parts thereof*, from Willow Run in Washtenaw County, MI, to points in OH, PA, VA, WV, and to boat docks in Detroit during the open season of navigation on Great Lakes; and *rejected shipments* of the commodities specified next-above from the destination points specified next-above to Willow Run in Washtenaw County, MI; *Automobile show equipment and paraphernalia*, from South Bend, IN, to points in DE, MD., NJ., VA., and D.C.; *New vehicles and chassis*, except trailers, and *automobile show equipment paraphernalia* (when accompanying the new motor vehicles), by driveway and truckaway service, in initial movements, and *bodies*, from points in Madison County, AL, to all points in the U.S.; *Buses, trackless trolleys*, and passengers who are at the time representatives of manufacturers or purchases of new buses and trackless trolleys, and who have been designated by their principals to accompany such buses during the transportation thereof,

and the baggage of such representatives, in special operations, in initial movements, in driveaway and truckaway service, from Kent, OH, to all points in the U.S.; *Automobiles, trucks, chassis, and commercial trailers*, new, used, or unfinished, restricted to secondary movements, in driveaway service, between points in OH, PA, IN, NY, WV, MD, NJ, MI, and D.C.; between points in VA, on the one hand, and on the other, points in OH, PA, IN, NY, WV, MD, NJ, MI, and D.C.; *Trucks*, in initial movements in truckaway method, from Kent, OH, to all points in the U.S. (except those in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY); *Trucks*, in initial movements, by the driveaway method, from Kent, OH, to all points in the U.S.; *Imported automobiles*, in secondary movements, in truckaway service, from South Bend, IN, to points in NY, PA, NJ, DL, MD, VA, WV, OH, NC, SC, IN, and D.C.; *Buses*, in initial movements from points in St. Joseph County, IN, to points in the U.S. (except AK and HI); *Passengers and their baggage*, in special operations, from points in St. Joseph County, IN, to points in the U.S. (Except AK and HI), restricted to the transportation of persons who are representatives of manufacturers or purchases of buses moving in service otherwise authorized herein; *Buses and bus chassis*, in driveaway service, from ports of Entry in TX, on the U.S.-Republic of Mexico Boundary line and from Woodlawn, TX, to points in the U.S. (including AK but excluding HI); *Passenger automobiles*, in secondary movements, from Elkhart, IN, to points in the U.S. (except AK, CT, GA, HI, IN, IL, KY, MD, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VT, VA, WV and D.C.) Whiteford is a motor common carrier authorized in MC-136635 and sub-numbers thereunder.

MC-14557F, filed January 19, 1981. KEN-RENTALS, INC. (K-R) (1401 N. Little St., Cushing, OK 74023)—Merger—BRAY LINES INCORPORATED (Bray) (1401 N. Little St., Cushing, OK 74023), BRAY TRANSPORTS, INC. (Transports) (1401 N. Little St., Cushing, OK 74023), and SUBLER TRANSFER, INC. (Subler) (One Vista Drive, Versailles, OH 45380). Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Authority is sought to merge the operating rights and property of Bray, Transports and Subler into K-R for ownership, management, and operation, following which the name of K-R will be changed to Bray Lines Incorporated. Bray Corporation, 1401 N. Little St., Cushing, OK 74023, a non-carrier holding company which presently controls Bray

through stock ownership, and which through such control of Bray also indirectly controls Transports and Subler as wholly-owned subsidiaries of Bray, and Frank E. Cochran and Mary B. Cochran who in turn control Bray Corporation through stock ownership, seek authority, respectively, for Bray Corporation to acquire direct control, and for Frank E. Cochran and Mary B. Cochran to continue in indirect control of said rights and property through the transaction. The existing arrangement of common control of the applicants was authorized in No. MC-F-14002. K-R is a wholly-owned subsidiary of Bray but is not a carrier at the present time. The interstate operating rights of Bray sought to be merged into K-R include all of the authority of Bray as authorized in Docket No. MC-112822 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of such commodities as (1) foodstuffs and other specified commodities falling within the generic description of foodstuffs; (2) such commodities as are used or dealt in by various types of persons or shippers; and (3) numerous other specified commodities including packaged petroleum products and chemicals, orchard heaters and supplies, cleaning compounds and materials, pet supplies, toilet articles and preparations, alcoholic liquors and malt beverages, paper products, plastic products, foundry products, carpet, glassware, aquariums and supplies, camping equipment, charcoal, toys and playground equipment, rubber products, building materials, plumbing fixtures and supplies, photographic material, equipment and supplies, and numerous other types of dry freight, from, to, or between specified points or areas in the United States (except AK and HI). The interstate operating rights of Transports sought to be merged into K-R include all of the authority of Transports as authorized in Docket No. MC-140755 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of commodities in bulk, such as petroleum and petroleum products, chemicals, fertilizers, feed and feed ingredients, sugar and other edible commodities, and various other liquid and dry commodities shipped in bulk, from, to, or between specified points or areas in AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NJ, NM, NY, ND, OH, OK, PA, SD, TN, TX, UT, WA, WI and WY.

The interstate operating rights of Subler sought to be merged into K-R include all of the authority of Subler as authorized in Docket No. MC-117883 and sub-numbers and E-letter notices thereunder, authorizing the transportation, as a motor common carrier, over irregular routes, of commodities such as (1) foodstuffs and other specified commodities falling within the generic description of foodstuffs; (2) such commodities as are used or dealt in by various types of persons or shippers; and (3) numerous other specified commodities including packaged petroleum products, steel strapping, paper and paper products, carpeting and floor coverings, heating stoves, building materials, rubber articles, refractory products, glass, cleaning compounds and supplies, farm machinery and agricultural implements, alkalies, animal food, washing machines and laundry equipment, metal products, automobile parts and appliances, household appliances, refrigeration equipment, and numerous other types of dry freight, from, to, or between specified points or areas in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, SD, VT, VA, WV and DC. None of the foregoing general descriptions of operating rights of Bray, Transports or Subler purports to be a complete description of the authorities involved. More complete descriptions of pertinent operating rights are on file as part of the application at the offices of the Commission in Washington, D.C., and at its Regional Offices in Dallas, TX and Philadelphia, PA.

Notes.—(1) This application was filed in order to comply with a decision in MC-F-14002, served March 21, 1980, which requires corporate simplification. (2) K-R concurrently filed a directly related application under 49 U.S.C. 11301 and 11302 for authority to issue securities and to assume the obligations and liabilities with respect to outstanding securities of the other constituent companies involved in the proposed merger. K-R seeks authority in Finance Docket No. 29562 to increase the number of authorized common stock to 2,000,000 shares. The authorized capital stock of K-R now consists of 25,000 shares of voting common stock, without par value, of which 24,755 shares are now issued and outstanding. Bray is the owner of 100 percent of these outstanding shares. K-R seeks to amend its Certificate of Incorporation and to change its authorized capital stock from 25,000, no-par common stock, to 2,000,000 shares of voting common stock, par value 10 cents per share, at the time of merger proposed in the related finance application in MC-F-14557F. Upon the completion of the merger, up to a total of 1,181,580 shares of this reissued stock will be exchanged, share for share, for each outstanding share of Bray stock.

Also, K-R seeks authority in Finance Docket 29562 to assume the obligations and liabilities of Bray, Subler, and Transports including obligations with respect to a promissory notes in the principle sum of \$8,000,000, with interest at 11½ percent per annum originally issued to Bray, as previously approved by this Commission in Finance Docket No. 29201, in a decision served March 21, 1980, the total aggregate amount of all liabilities not to exceed \$12,184,540.

MC-F-14561F, filed January 30, 1981, **PHYSICAL DISTRIBUTION SERVICES, INC.**; W.D. Larson; Beth M. Larson; and Marvin M. Mueller (Parties) (all of 10700 Lyndale Avenue South, Minneapolis, MN 55440)—Continuance in control—**ALLSTATE TRANSPORTATION COMPANY (Allstate)** (10700 Lyndale Avenue South, Minneapolis, MN 55440). Representative: Robert A. Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Authority is sought by parties to continue in control and management of Allstate. Physical Distribution Services, Inc. (PDS) is a holding company, W.D. Larson, who controls PDS through 100% of its stock, also controls Larson Transfer & Storage Company, Inc. (Larson) through 100% of its stock. Larson is a motor carrier authorized to operate under certificates issued in No. MC-141781, and permits issued in No. MC-128652. Marvin M. Mueller, the executive vice-president of Larson, owns 25% of the stock of Allstate. Beth Larson, daughter of W.D. Larson, controls Allstate through 75% of its stock. By effective notice served November 4, 1980, Allstate was granted authority to operate as a common carrier pursuant to MC-151558 transporting (1) *U.S. Government property* and (2) *shipments weighing one hundred pounds or less* if transported in a motor vehicle in which no one package exceeds one hundred pounds, between points in the United States. **IMPEDIMENT:** Allstate has applications for both common and contract carrier authority presently pending before the Commission. The operating rights Allstate is seeking in these applications, duplicates to a certain extent the operations authorized in Larson's certificates and permits. We are unable to find these duplications to be de minimus, and we do not find them consistent with the public interest. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplications in order

to comply with the Commission's regulations at 49 CFR 1134.51.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5038 Filed 2-20-81; 6:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting 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-96

The following applications were filed in region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 152033 (Sub-1-2TA), filed February 2, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen,

P.O. Box 357, Gladstone, NJ 07934. (1) *Such commodities as are dealt in by grocery and food business houses, and (2) materials, equipment, and supplies used in the production, marketing and sale of the commodities named in (1) above, between points in CA, CO, GA, FL, IL, MA, MN, NY, NC, OH, PA, TX, and VA, restricted to traffic originating at or destined to the facilities used or utilized by Nabisco, Inc. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.*

MC 153827 (Sub-1-1TA), filed February 2, 1981. Applicant: TRIO-MOTOR TRANSFER, INC., Box 662, Barre, VT 05641. Representative: David M. Marshall, Marshall and Marshall, 101 State St.—Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer or distributor of stone products between Montpelier, Northfield, Bethel, South Ryegate, Woodbury and Barre, VT, on the one hand, and, on the other, points in MA, CT, RI, NH and ME. Supporting shipper(s): There are ten statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 35387 (Sub-1-1TA), filed February 2, 1981. Applicant: ORBIT EXPRESS, INC., 105 Creeper Hill Road, North Grafton, MA 01536. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer or distributor of food products and food-related products, between Rochester and Manchester, NY on the one hand, and, on the other, points in ME, VT, NH, MA, CT and RI. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, Ct 06830.*

MC 123922 (Sub-1-1TA), filed February 2, 1981. Applicant: AMTRUK TRANSPORT, INC., Box 4327, Bergen Station, Jersey City, NJ 07304. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 2005. *Gases in a compressed or cryogenic state, between points in ME, VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, DC, KY, NC, SC, TN, GA and AL. Supporting shipper(s): Department of Public Utilities, 64 Shetucket St., Norwich, CT 06360; Westfield Gas & Electric Light Department, 100 Elm St., Westfield, MA 01085; Manchester Gas Co., 1260 Elm St., Manchester, NH 03101; New Jersey Natural Gas Company, 601 Bangs Ave., Asbury Park, NJ 07712.*

MC 153870 (Sub-1-TA), filed February 3, 1981. Applicant: D.A.D. TRUCKING, INC., 157 West 24th Street, New York, NY 10011. Representative: Zoe Ann

Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Works of art and antiques, of all types and kinds, for display by artists, other individuals, museums, galleries, educational facilities, auction houses, or other commercial establishments between New York, NY; Boston, MA; Miami, FL; Houston, TX; Dallas, TX; Los Angeles, CA; San Francisco, CA; Chicago, IL; Kansas City, MO; Cleveland, OH; Seattle, WA; New Orleans, LA; Scottsdale, AZ; Atlanta, GA; Albuquerque, NM; Washington, DC; Denver, CO; Philadelphia, PA; and St. Louis, MO. supporting shipper(s): There are 31 statements in support which may be examined at the Regional Office of the I.C.C. in Boston, MA.*

MC 153869 (Sub-1-1TA), filed February 3, 1981. Applicant: LORDS TRANSPORTATION, INC., 56 Fisk Street, Jersey City, NJ 07305. Representative: Robert B. Pepper, 108 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier: irregular routes: Apparel, or other finished textile products or knit apparel (STOC major industry grouping) and materials and supplies used in the manufacturing and sale thereof, except in bulk between points in the U.S. except AK and HI, under continuing contract(s) with Kmart Apparel Corporation of North Bergen, NJ. Supporting shipper: Kmart Apparel Corporation, 7373 Westside Avenue, North Bergen, NJ 07407.*

MC 149302 (Sub-1-5TA), filed February 3, 1981. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Such merchandise as is sold or dealt in by retail department stores and material, supplies and equipment (except commodities in bulk) used or useful in the conduct of such business (1) from Framingham, MA to Alsip, IL, (2) from points in IL, IN, KY, MD, MI, OH, PA, VA, WY and Framingham, Clinton, Mansfield and Stoughton, MA. Supporting shipper: Zayre Corp., Framingham, MA 01701.*

MC 152113 (Sub-1-1TA), filed February 3, 1981. Applicant: ARROW COURIER, INC., 3142 Fairfield Ave., Bridgeport, CT 06605. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. *General commodities with the usual exceptions, in messenger service on shipments picked up and delivered on the same day, between Bridgeport and Norwalk, CT, and points in their commercial zones, on the one hand, and, on the other, New York, NY, and points in its*

commerical zone. Supporting shipper(s): Burndy Corporation, Richards Ave., Norwalk, CT 06856; Dew-Line Research Services, Inc., 152 Millport Ave., New Canaan, CT 06840; Emson Research, Inc., 118 Burr Ct., Bridgeport, CT 06605; Perkin Elmer Corp., Main Ave., Norwalk, CT 06856.

MC 144874 (Sub-1-1TA), filed February 2, 1981. Applicant: HARRY J. BERRY d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue, N.W., Washington, DC 20006. *Roof decking* from the facilities of Roll Form Products, Inc., located at or near Gloucester City, NJ to New York, NY. Supporting shipper: Roll Form Products, Inc., 140 Federal St., Boston, MA 02110.

MC 142603 (Sub-1-17TA), filed February 3, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract carrier: irregular routes: Such products as are dealt in or used by pool manufacturers or distributors* between Clifton, NJ and Latham, NY, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Major Pool Equipment Corp. and its Division Burton Pools of Clifton, NJ. Supporting shipper: Major Pool Equipment Corp., and its Division Burton Pools, 200 Entin Road, Clifton, NJ 07014.

MC 145695 (Sub-1-2TA), filed February 2, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand Street, Carlstadt, NJ 07072. Representative: Roy A. Jacobs, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier: irregular routes: Refined copper between points in the U.S. (except AK and HI), under continuing contract(s) with Cerro Sales Corporation of New York, NY.* Supporting shipper: Cerro Sales Corporation, 250 Park Avenue, New York, NY 10177.

MC 34806 (Sub-1-12TA), filed February 3, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contract carrier: irregular routes: Wire, on reels, from Turners Falls, MA to points in CA under continuing contract with Judd Wire Division of High Voltage Engineering, Turners Falls, MA.* Supporting shipper: Judd Wire Division of High Voltage Engineering, 50 Turnpike Road, Turners Falls, MA 01376.

MC 82101 (Sub-1-2TA), filed February 4, 1981. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: Such commodities as are dealt in by a manufacturer of footwear and related accessories, between Nashua, NH, Wilkesboro, NC, and Auburn, MA, under continuing contract(s) with J. F. McElwain Co., Division of Melville Corporation, of Nashua, NH.* Supporting shipper: J. F. McElwain Co., Division of Melville Corporation, 12 Murphy Drive, Nashua, NH 03061.

MC 145059 (Sub-1-1TA), filed February 4, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Foodstuffs* from ME to points in the U.S. in and east of MN, IA, NB, KS, OK and TX. Supporting shipper(s): AKF, Inc., d.b.a. Potato Service, P.O. Box 809, Presque Isle, ME 04769.

MC 112854 (Sub-1-1TA), filed February 10, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Frozen Foodstuffs* between Brockport, NY and the states of CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY City Metropolitan Area, OH, PA, RI, VT, VA and DC. Supporting shipper: Brockport Cold Storage Co., Inc. P.O. Box C-98 Spring St. Brockport, NY 14420.

MC 112854 (Sub-1-2TA), filed February 10, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, NY 14520. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Commodities requiring refrigeration* between points in Cattaraugus, Chatauga, Erie, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Wayne and Yates Counties, NY on the one hand, and, on the other, points in CT, DC, DE, MD, MA, ME, NH, NJ, NY, OH, PA, VA, VT and WV. Supporting shippers: Waterman Food Sales, P.O. Box 146, 1380 Rt. 104, Ontario Center, NY 14520; J. H. Verbridge & Son, Inc., 6688 Lake Ave., Williamson, NY 14589; Happy Ice Corp. 900 Turk Hill Rd., Fairport, NY 14450.

MC 151004 (Sub-1-2TA), filed February 10, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06602. Representative: John F. Ryan, Vice President, 350 Lafayette St., Bridgeport,

CT 06602. *Contract carrier: Irregular routes: Stove or range parts; parts, spring powered, clock or timer; fibre board other than corrugated; power tools set up loose or on skids; and power tools KD or SU in boxes or cartons* between Waterbury, CT, New Stanton, PA, Providence, RI and Carthage, TN, under continuing contract(s) with Robertshaw Controls Co., Lux-Time Division, of Lebanon, TN. Supporting shipper: Robertshaw Controls Co., Lux-Time Div., 1307 West Main St., Lebanon, TN 37087.

MC 127524 (Sub-1-7TA), filed February 10, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart St., Rahway, NJ 07065. *Reagent alcohol in bulk*, from Cleveland, OH to Elizabethport, NJ with subsequent movement by water. Supporting shipper: Airco Caribe, Inc., P.O. Box 1290, Guayama, Puerto Rico 00654.

MC 159538 (Sub-1-4TA), filed February 10, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. *General commodities, usual exceptions*, between points in CT, DE, ME, MD, MA, NH, NY, NJ, PA, RI and VT. Supporting shipper: there are fifteen statements of support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 2066 (Sub-1-2TA), filed February 10, 1981. Applicant: R.M. SULLIVAN TRANSPORTATION, INC., 649 Cottage St., P.O. Box 155, Highland Station, Springfield, MA 01104. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *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 the terminal of R.M. Sullivan Transportation, Inc., at Springfield, MA, on the one hand, and, on the other, points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany and Montgomery Counties, NY. *Restriction: Restricted to shipments having a prior or subsequent movement by motor carrier including shipments by R.M. Sullivan Transportation, Inc.* Applicant intends to tack with authority MC-2066 and subs thereto. Supporting shipper(s): There are eleven statements of support attached to this application which may

be examined at the ICC Regional Office in Boston, MA.

MC 127524 (Sub-1-8TA), filed February 11, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. *Liquid Caustic Potash in bulk in tank trailers from Delaware City, DE to Baltimore, MD.* Supporting shipper: J. F. Chemical Co., Inc., 245 Park Ave., E. Rutherford, NJ 07073.

MC 153993 (Sub-1-1TA), filed February 11, 1981. Applicant: TKN, INC., 1242 Shawmut Avenue, New Bedford, MA 02741. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier, irregular routes: (1) Oil well and water well steel pipe and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above from Minneapolis, MN to points in OK, TX, and WY; (2) from Beaver Falls, PA and Shelby, OH to Minneapolis, MN and Houston, TX; and (3) from points in OK and TX to Minneapolis, MN under continuing contract(s) with Tooltech, Inc.* Supporting shipper: TOOLTECH, INC., 3145 Columbia Avenue, Minneapolis, MN 55418.

MC 144874 (Sub-1-2TA), filed February 10, 1981. Applicant: HARRY J. BERRY, d.b.a. BERRY TRUCKING, P.O. Box 658, Penns Grove, NJ 08069. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave., NW., Washington, DC 20006. *Roof decking and paint, and materials, equipment, and supplies used in the manufacture of roof decking and paint between the facilities of Roll Form Products, Inc. located at or near Gloucester City and Camden, NJ, Wilmington, NC, and East Chicago, IN, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, AND MS.* Supporting shipper: Roll Form Products, Inc. 140 Federal Street, Boston, MA 02110.

MC 144888 (Sub-1-2TA), filed February 4, 1981. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used or utilized by Ciba-Geigy Corporation.* Supporting shipper(s): Ciba Geigy Corporation, 444 Sawmill River Rd., Ardsley, NY 10546.

MC 12955 (Sub-1-5TA), filed February 5, 1981. Applicant: RICCI

TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Malt beverages, in containers, from Albany, GA and Eden, NC to Monmouth County, NJ.* Supporting shipper: Point Pleasant Distributor's, Inc., 319 Hawthorne Ave., Point Pleasant Beach, NJ.

MC 138844 (Sub-1-3TA), filed February 4, 1981. Applicant: TRANSGAS, INC., 67 Industrial Ave., Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Liquefied petroleum gas, between points in MA, RI, CT, VT, NH, ME, NY, NJ, DE, PA, and OH.* Supporting shipper: Colonial Gas Energy System, 95 East Merrimack St., Lowell, MA 01853.

MC 153951 (Sub-1-1TA), filed February 4, 1981. Applicant: NESEL FAST FREIGHT INC., 2480 Lawrence Ave. East, Unit 7, Scarborough, Ontario, CD M1P 2R7. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Furniture, and related items and components used in the manufacture, distribution, and sale thereof, between ports of entry on the International Boundary line between the U.S. and CD on the one hand, and, on the other, points in CT, DC, DE, FL, IL, IN, KY, MA, MD, ME, MI, MN, NC, NH, NJ, NY, OH, PA, RI, VA, and VT.* Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional office in Boston, MA.

MC 143493 (Sub-1-4TA), filed February 4, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. *Contract carrier: irregular routes: Fuel Oil from Tullytown, PA to Carteret, Lakewood, and Scotch Plains, NJ under continuing contract(s) with Poling Oil Co. of Westfield, NJ.* Supporting shipper: Poling Oil Co., 2285 South Ave., (Scotch Plains) Westfield, NJ 07090.

MC 148657 (Sub-1-1TA), filed February 5, 1981. Applicant: RAYMOND & HIGGINS TRANSPORTATION CO., INC., 78/80 Judith Street, Providence, RI 02902. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Petroleum and petroleum products in bulk in tank vehicles from Providence, RI to points in CT and MA.* Supporting shipper(s): Sun Petroleum Products Company, P.O. Box 7399, Philadelphia, PA 19104 and Sunmark Industries, A Division of Sun Oil Company of Pennsylvania, 1845 Walnut Street, Philadelphia, PA 19102.

MC 7840 (Sub-1-5TA), filed February 6, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13001. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) materials, equipment, and supplies from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) imported nails from Savannah, GA to Conyers, GA.* Supporting shipper: ROBERTS CONSOLIDATED INDUSTRIES, INC., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 149536 (Sub-1-3TA), filed February 9, 1981. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Chemicals and related products, between CT and GA, on the one hand and, on the other, points in the contiguous 48 states.* Supporting shipper: Darworth Company, Division of Ensign-Bickford Industries, P.O. Box K, Avon, CT 06001.

MC 513933 (Sub-1-1TA), filed February 6, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract carrier: irregular routes: General commodities, except Class A and B explosives, between points in the US, except AK and HI, under continuing contract(s) with B. Altman & Co. and Bloomingdale's Of New York, New York, NY.* Supporting shipper(s): B. Altman & Co., 361 Fifth Avenue, New York, NY 10018; Bloomingdale's Of New York, 1000 Third Avenue, New York, NY 10022.

MC 154051 (Sub-1-1TA), filed February 13, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road (P.O. Box 617), Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Toxic and hazardous waste materials between point in CT, ME, MA, NH, NY and VT, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, AR and LA.* Supporting shippers: Wrentham Steel Products, Kendrick St., Wrentham, MA 02093; Whiting & Davis Co., 23 W. Bacon St., Plainville, MA 02762; Crosby Value and Gage

Company, Wrentham, MA 02093; The Foxboro Company, 28 Neponset Avenue, Foxboro, MA 02035; Cecos International, Inc., Wallmore Road, Niagara Falls, NY 14302.

MC 142603 (Sub-1-18TA), filed February 12, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Susan E. Mitchell, P.O. Box 1968, Springfield, MA 01101. *Contract carrier: Irregular routes: Steel scrap for remelting only between points in the U.S. under continuing contracts with L. Cohen & Company, Suffield, CT. Supporting shippers: L. Cohen & Company, Suffield Village, Suffield, CT 06078.*

MC 134355 (Sub-1-1TA), filed February 12, 1981. Applicant: THETFORD TRANSPORT, LIMITED, 1829 N. Smith Boulevard, Thetford Mines, Quebec CD G6G 5T2. Representative: Richard H. Streeter, Wheeler & Wheeler, 1729 H Street, N.W., Washington, DC 20006. *Electrodes, coal and coke between point on the CD/US International Border at ME, VT, NH and NY and Morganton, NC. Supporting shipper: Great Lakes Carbon Corp., Canada, P.O. Box 1170, Berthierville, Quebec, CD.*

MC 153161 (Sub-1-2TA), filed February 12, 1981. Applicant: WAYNE SOLVENTS, INC., 120 Grace Avenue, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier: Irregular routes: Chemical, Petroleum Products and Solvents, also, materials, equipment and supplies used in the manufacture, sale and distribution of such commodities between Great Meadows, NJ, and Toledo, OH, and Wilmington, NC, under continuing contract(s) with the Southland Corporation Chemical Division of Dallas, TX. Supporting shipper: The Southland Corporation Chemical Division, 5801 Marvin D. Love Freeway, Suite 400, Dallas, TX 75237.*

MC 154002 (Sub-1-1TA), filed February 12, 1981. Applicant: FREEHOLD CARTAGE, INC., Box 14-5, RD 5, Freehold, NJ 07728. Representative: Harold L. Reckson, 33-28 Halsay Road, Fair Lawn, NJ 07410. *Hazardous waste materials, from points in NJ, NY and PA to Baltimore, MD, Chester, PA, Emelle, AL, El Dorado, AR, Grand Prairie, TX, McIntosh, AL, and Niagara Falls, NY. Supporting shipper(s): Carter-Wallace, Inc., Half Acre Road, Cranbury, NJ 08512; Nestle Co., Jerseyville Avenue, Freehold, NJ 07728; Service & Technical Systems, 37 Elm Street, Westfield, NJ 07090.*

MC 104675 (Sub-1-TA), filed February 9, 1981. Applicant: FRONTIER DELIVERY, INC., 4238 Ridge Lea Road, Amherst, NY 14226. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Commodities, in bulk, between points in NY, CT, MA, NH, VT and RI. Supporting shipper(s): Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095; Eastman Kodak Co., 2400 Mt. Read Blvd., Rochester, NY 14650; Cibro Petroleum Corp., Inc., Port of Albany, Albany, NY; J. R. Sousa, Inc., P. O. Box 935 Albany Ave., Troy, NY 12181.*

MC 142114 (Sub-1-5TA), filed February 10, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract Carrier: Irregular routes: Games or toys, parts of games or toys, supplies, equipment and machinery used in the production and shipping of games, toys or parts thereof in the following states: AL, CT, DE, DC, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV, under continuing contract(s) with Mattel Toy Co. Division, Mattel, Inc. of Edison, NJ. Supporting shipper: Mattel Toy Company Division, Mattel, Inc., 112 Truman Drive, Edison, NJ 08817.*

MC 153967 (Sub-1-1TA), filed February 9, 1981. Applicant: CONTRANS, INC., 25 James St., New Haven, CT 06513. Representative: Donald S. Baillie, 515-525 Highland Ave., P.O. Box 765, Cheshire, CT 06410. *Liquor and alcoholic beverages between points in CT on the one hand, and, on the other, points in the New York, NY Commercial Zone. Supporting shipper: Heublein, Inc., 330 New Park Ave., Hartford, CT 06101.*

MC 111625 (Sub-1-6TA), filed February 9, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except classes A & B explosives) (STCC Group 51) between points in CT, MA, ME, NH, NY, PA, RI, and VT. Supporting shipper(s): There are 13 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 151272 (Sub-1-6TA), filed February 6, 1981. Applicant: FOOD HAULERS INC., 600 York Street, Elizabeth, NJ 07207. Representative: Brian H. Siegel, 1101 Connecticut Ave., N.W., Washington, DC 20036. *Such merchandise as is dealt in by wholesale, retail and chain grocery*

stores, drug stores and food business houses, and in connection therewith equipment, supplies and materials used to conduct such business from points in CT to the facilities of Wakefern Food Corporation of Elizabeth, NJ. Supporting shipper: Wakefern Food Corporation, 600 York St., Elizabeth, NJ 07207.

MC 139865 (Sub-1-1TA), filed February 6, 1981. Applicant: GILLIES GARIPEY, d.b.a. MERIDIAN YACHT SALES REG'D, Sales Reg'D 375 Taillon Street, Montreal, Quebec, CD. Representative: Gilles Garipey, 375 Taillon Street, Montreal, Quebec, CD. *Boats, between port of entry on US/CD boundary in MI and NY, on the one hand, and, on the other, points in AR, CA, CO, FL, GA, IL, IN, IA, KS, LA, MS, MO, MT, NE, NC, OR, OK, SC, TN, TX, VA, WA. Supporting shipper(s): Corbin Les Bateaux, Inc., 800 Ford Blvd., Chateaugay, Quebec, CD; Reliance Sailing Craft, Inc., 35 Calais Circle, Kirkland, Quebec, CD*

MC 153966 (Sub-1-1TA), filed February 9, 1981. Applicant: SEAPORT COACH, INC., 2 Denison Avenue, Mystic CT 06355. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. *Passengers and their baggage, in the same vehicle with passengers, in charter operations beginning and ending at points in CT, Hampden County, MA, Washington County, RI and Westchester County, NY and extending to points in the United States (excluding AK and HI) restricted to the transportation of traffic performed for passenger brokers. Supporting shippers: Connecticut Pleasure Tours, Inc., 140 Captains Walk, New London, CT 06032; Colony Tours, Inc., 202 East Center Street, Manchester, CT 06040; Helen F. Czarniecki d.b.a. The Heritage Travel Agency, Union Square, Putnam, CT 06280.*

MC 153977 (Sub-1-1TA), filed February 13, 1981. Applicant: ROBERT J. BURNS, d.b.a. DAILY DELIVERY, 1860 Fall River Ave., Seekonk, MA 02771. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract Carrier: Irregular routes: Machinery and supplies, between Seekonk, Lexington and Reading, MA, on the one hand, and, on the other, points in RI, under continuing contract(s) with Xerox Corporation of Secaucus, NJ. Supporting shipper: Xerox Corporation, 80 Seaview Dr., Secaucus, NJ 07094.*

MC 30374 (Sub-1-1TA), filed February 12, 1981. Applicant: TRI-STATE TRANSPORTATION CO., INC., Interstate Industrial Park, P.O. Box 488, Bellmar NJ 08031. Representative: A. David Millner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006.

Wearing apparel on hangers, in cartons and department store merchandise, between Washington, DC and Springfield, VA on the one hand, and, on the other, points in PA on and east of US Hwy 15. Applicant seeks to tack the above authority with its existing authority at Washington, DC, Philadelphia, PA and Springfield, VA, and to interline with other carriers at Philadelphia, PA, Secaucus, NJ and New York, NY. Supporting shipper(s): Charming Shoppes, Inc., 450 Winks Lane, Cornwells Heights, PA 19020; Woodward & Lothrop, P.O. Box 1610, Washington, DC 20013; Strawbridge & Clothier Co., Inc., 8th & Market, Philadelphia, PA 19105.

MC 154050 (Sub-1-1TA), filed February 13, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers & O'Brien Streets, Kearny, NJ 07032. Representative: Harry J. Jordan, Esq., Macdonald & McInerney, P.C., Suite 502, Solar Building, 1000 Sixteenth Street, N.W., Washington, DC 20036. *General commodities, except Classes A and B explosives, in containers having a prior or subsequent movement by water between Richmond, VA, on the one hand, and, on the other, NY, NJ, DE, MD, PA, and CT. Supporting shipper: Transocean Transport, Inc., 1201 Corbin Street, Port Elizabeth, NJ 07201.*

MC 154046 (Sub-1-1TA), filed February 13, 1981. Applicant: YELLOW TRANSPORTATION SERVICES OF BROOME COUNTY, INC., 385 State Street, Binghamton, NY 13902. Representative: Guy H. Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract, irregular, Merchandise, equipment and supplies used, sold, or distributed by a manufacturer of cosmetics, between Binghamton, NY, on the one hand, and, on the other, Allegany, Broome, Chemung, Chenango, Cortland, Madison, Onondaga, Schuyler, Steuben, Tioga and Tompkins Counties, NY; and, Bradford, Susquehanna and Wayne Counties, PA, under a continuing contract(s) with Avon Products, Inc., New York, NY. Supporting Shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE, 19711.*

MC 147811 (Sub-1-4TA), filed February 13, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson, P.O. Box 283, Belgrade Lakes, ME 04918. *Contract carrier; irregular routes; Horticultural supplies, chemicals, agricultural supplies, pipe products and salt, between points on and east of the Mississippi River, under continuing contract(s) with W. H. Shurtleff Co., of*

Portland, ME. Supporting shipper: W. H. Shurtleff Co., P.O. Box 1019, Portland, ME 04104.

MC 150526 (Sub-1-3TA), filed February 11, 1981. Applicant: YARMOUTH LUMBER, INC., North Street, Box 46, Yarmouth, ME 04096. Representative: William H. Phipps, North Street, Box 46, Yarmouth, ME 04096. *Contract carrier; irregular routes; Packaged oil and lubricants, from points in PA and NJ to points in ME, under continuing contract(s) with Maine Lubrication Services, Inc., of Portland, ME. Supporting shipper: Maine Lubrication Services, Inc., P.O. Box 732, Portland, ME 04104.*

MC 513964 (Sub-1-1TA), filed February 9, 1981. Applicant: OCEAN DRIVE TOURS, INC., 49 N. Arkansas Avenue, Atlantic City, NJ. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017. *Passengers and their baggage, in charter operations beginning and ending at Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester and Camden Counties, NJ and extending to points in the U.S. (including AK but excluding HI). There are 12 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 153982 (Sub-1-1TA), filed February 10, 1981. Applicant: BOEHLE'S EXPRESS, INC., 230 Sandbank Road, P.O. Box 906, Cheshire, CT 06410. Representative: John E. Fay, Esq., 663 Maple Avenue, Hartford, CT 06114. *General commodities with the usual exceptions between points in CT on the one hand, and, on the other, Springfield, MA and its commercial zone. Applicant intends to interline to all points within the state of CT and points in MA within the commercial zone of Springfield, MA. Supporting shipper(s): There are six statements of support to this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 150951 (Sub-1-2TA), filed February 9, 1981. Applicant: CRANSTON TRUCKING CO., A DIVISION OF CRANSTON PRINT WORKS CO., 1381 Cranston Street, Cranston, RI 02920. Representative: A. Joseph Mega, 175 Forbes Street, Riverside, RI 02915. *Contract Carrier; irregular routes: Food stuffs and plastic articles and raw materials used in the manufacture thereof between Clinton, MA on the one hand, and, on the other, Chattanooga, TN and Greenville, SC, under continuing contract(s) with Van Brode Milling Company, Inc., of Clinton, MA. Supporting Shipper: Van Brode Milling Company, Inc., 20 Cameron Street, Clinton, MA 01510.*

MC 97184 (Sub-1-1TA), filed February 9, 1981. Applicant: HI-WAY TRUCKING CO., INC., 127-09 91st Avenue, Richmond Hill, NY 11418.

Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C., 118-21 Queens Blvd., Forest Hills, NY 11375.

Computers, computer parts and components, materials, equipment and supplies used in the manufacture and operation thereof, between the facilities of Wang Laboratories, Inc., located in Stamford, CT, Burlington, MA, Chelmsford, MA, Tewksburg, MA, Bloomfield, NJ, Edison, NJ, Fairfield, NJ, Mountainside, NJ, Tom's River, NJ, New York, NY, and Syosset, NY on the one hand, and, on the other, its customers in the states of CT, MA, NJ, NY, and PA. Supporting Shipper: Wang Laboratories, Inc., Metro Service Division, 770 Lexington Ave., 4th Floor, New York, NY.

MC 143438 (Sub-1-1TA), filed February 3, 1981. Applicant: DENISE, INC. d.b.a., TRAVEL TIME, 277 Newbury Street, Peabody, MA 01960. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Passengers and their baggage, in the same vehicle as passengers (1) in round trip, charter and special operations, and (2) in one-way charter or special operations. (1) beginning and ending in and/or (2) originating at points in Essex County, MA and extending to points in the U.S. including AK but excluding HI. Supporting shipper(s): There are approximately 26 statements in support which may be examined at the Regional Office of the I.C.C. in Boston, MA.*

MC 147811 (Sub-1-3TA), filed February 4, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson, P.O. Box 283, Belgrade Lakes, ME 04918. *Contract carrier; Irregular routes: Lumber and forest products, between points in the U.S. on and east of the Mississippi River, under continuing contract(s) with United Timber, Inc., of N. Anson, ME. Supporting shipper: United Timber, Inc., N. Anson, ME 04958.*

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106

MC 145252 (Sub-II-6TA), filed February 4, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Foodstuffs (except in bulk), from Louisville, KY to pts. in the US located in and east of ND, SD, NE, KS, OK and*

TX, for 270 days. Supporting shipper: Paramount Foods, Inc., Louisville, KY 40213.

MC 141684 (Sub-II-2TA), filed February 4, 1981. Applicant: COMMAND CARGO CORP., 8700 Larkin Rd., Savage, MD 20863. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *General commodities (except Classes A & B explosives, household goods as defined by the Commission, articles of unusual value, commodities in bulk, and those requiring special equipment)*, between pts. in Camden, Middlesex, and Somerset Counties, NJ, on the one hand, and, on the other, pts. in PA, WV, VA, DE, MD, and DC, restricted to traffic moving from, to, or through applicant's facilities at Savage, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Baker & Taylor Co., 50 Kirby Ave., Somerville, NJ 08876. Boise Cascade Corp., P.O. Box 7747, Boise, ID 83707. Shaklee Corp., 444 Market St., San Francisco, CA 94111.

MC 123405 (Sub-II-5TA), filed February 6, 1981. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Non-exempt food and kindred products*, between points in Ulster County, NY, on the one hand and, on the other, points in SC and FL, restricted to transportation to be performed under a continuing contract with Heinz USA, Div. of H. J. Heinz Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 59241 (Sub-II-1TA), filed February 6, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005. *Adhesives, and materials and supplies used in their manufacture (except in bulk)*, between the facilities of H.B. Fuller Company, Baltimore, MD, on the one hand, and, on the other, points in DE, NJ and PA on and east of U.S. Hwy 15. Supporting shipper: H.B. Fuller Company, 801 Wagner Street, Baltimore, MD 21224.

MC 150715 (Sub-II-2TA), filed January 29, 1981. Applicant: DONALD BAILEY, JUDY BAILEY & MICHAEL BAILEY d.b.a. DJM BAILEY TRUCKING, Box 43, Gaines, PA. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Pipe fittings and iron castings, and materials, supplies and equipment used in the manufacture of the above commodities*, between Blossburg, PA, on

the one hand, and, on the other, points in the U.S. (excluding AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper(s): J. P. Ward Foundaries, Inc., Blossburg, PA.

MC 142703 (Sub-II-6TA), filed February 3, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NJ, NY, OH, PA, RI, VA, WV, WI, DC on the one hand, and on the other, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX for 270 days. An underlying ETA seeks 120 days authority. Restricted to shipments moving in railroad or water carrier owned or leased trailers/containers. There are eighty-nine supporting shippers' statements filed with this application which may be examined at the Philadelphia Regional office.

MC 139395 (Sub-II-2TA), filed January 30, 1981. Applicant: BULK TRANSIT CORPORATION, 7177 Industrial Parkway, Plain City, OH 43064. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Lime*, in bulk, in tank vehicles, from the facility of AluChem, Inc., at or near Cincinnati, OH to the facilities of J & L at Aliquippa and Pittsburgh, PA; East Chicago, IN; and Cleveland, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): AluChem, Inc., 01 Landy Lane, Cincinnati, OH 45215.

MC 153868 (Sub-II-1TA), filed February 2, 1981. Applicant: EMMETT BOND, d.b.a. KTA TRANSPORTATION, 295 Orange St., Mansfield, OH 44902. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Contract, irregular. *vitreous china bowls, tanks and lavatories; fiberglass bathtubs and wall enclosures, vanities, marble tops and wall enclosures, vanities, marble tops and brass fittings*, between points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Artesian Industries, Inc., 201 E. Fifth St., Mansfield, OH 44901.

MC 143394 (Sub-II-22TA), filed February 2, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). Contract,

irregular. *Corrugated Boxes, Corrugated Sheets* and other miscellaneous paper goods, From Atlanta, GA; Jackson, MS; New Orleans, LA; Port St. Joe, FL, to Mobile, AL, under continuing contract(s) with Port City Box, Inc., Mobile, AL 36607, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Port City Box, Inc., P.O. Box 7244, Mobile, AL 36607.

MC 113106 (Sub-II-8TA), filed February 2, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Fibreboard containers*, (a) From Reading, PA and Carteret, NJ to points in NY, and, (b) From Louisville, KY to points in VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental Forest Industries, Greenwich, CT 06830.

MC 65475 (Sub-II-12TA), filed February 2, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Scrap aluminum*, from Lancaster, PA to Rockwall, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Howmet Aluminum Corp., P.O.B. 96, Rockwall, TX 75087.

MC 99969 (Sub-II-1TA), filed January 30, 1981. Applicant: HUNTLEY TRUCKING CO., RT. 1, New Plymouth, OH 45654. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Coal*, from the facilities of Ohio Valley Coal Co. in Hocking County, OH to points in Adams and Wayne Counties, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Valley Coal Co., Box 146, Union Furnace, OH 43158.

MC 150511 (Sub-II-7TA), filed January 30, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract, irregular. *Such merchandise as is dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business*, between West Chester County, NY, on the one hand, and, on the other, points in CT and NJ, under continuing contract(s) with Scandinavian Design, Inc. Supporting shipper: Scandinavian Design, Inc., 575 Worcester Road, Natick, MA 01760.

MC 63417 (Sub-II-15TA), filed February 4, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY,

INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as Applicant). *Synthetic yarns or fibers* from Escambia and Santa Rosa Counties, FL, to points in VA for 270 days. Supporting shipper: Martin Processing, Incorporated, P.O. Box 690, Rocky Mount, VA 24151.

MC 153807 (Sub-II-1TA), filed January 29, 1981. Applicant: J & W LEASING, INC., P.O. Box 86, Ottsville, PA 18942. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Concrete compound*, from Buffalo, NY, to Bethlehem, Limerick and the Philadelphia Commercial Zone, PA and New Brunswick and Wall Township, NJ. Supporting shipper: Master Builders Div., Martin Marietta Corp., 23700 Chagrin Blvd., Cleveland, OH 44122.

MC 149153 (Sub-II-3TA), filed February 6, 1981. Applicant: DANNY'S TWO-WAY, INC., 11663 Chester Rd., Cincinnati, OH 45248. Representative: Danny M. Watson, 4195 Crystalview, Cincinnati, OH 45241. *Salt, salt products, and fertilizer in bulk and bag* from Cincinnati, OH to points in IL, IN, KY, MI (lower peninsula), MO (points on and east of US Highway 63), OH, PA (points on and west of Highway 15), WV (points on and west of Interstate Highway 79 from PA-WV state line to its intersection with Interstate Highway 77, thence Interstate Highway 77 to WV-VA state line), and WI (points on and south of WI), for 270 days. Supporting shippers: Cargill Salt Department, 15407 McGinty Road, Minnetonka, MN. Domtar Industries, Inc., Sifto Salt Division, 9950 W. Lawrence Ave., Schiller Park, IL 60176.

MC 146907 (Sub-II-16TA), filed February 6, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as Above). *Printed Matter*, from East Stroudsburg, PA to Hartford, CT, Newark, NJ, New York, NY, Boston, MA, Dallas, TX, Atlanta, GA & Tampa, FL; materials and supplies used in the manufacture of the above commodities on return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hughes Printing Co., 34 N. Crystal, E. Stroudsburg, PA 18301.

MC 153929 (Sub-II-1TA), filed February 5, 1981. Applicant: MONROE LEASING, INC., 3434 Akron Cleveland Rd., Cuyahoga Falls, OH 44223. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract, irregular, general commodities (except class A and B explosives) between points in the U.S. for 270 days and an underlying ETA has been filed for 120 days.* Supporting shipper: Go-Jo

Industries, Inc., P.O. Box 991, Akron, OH.

MC 109448 (Sub-II-4TA), filed February 4, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heat exchangers and heating and air conditioning units* between Lorain City, OH, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shippers: Brown Fintube Co., 300 Huron St., Elyria, OH 44036. S.J.C. Corp., 206 Woodford Ave., Elyria, OH 44036. Luxaire, Inc., 301 Filbert St., Elyria, OH 44036.

MC 152566 (Sub-II-1TA), filed February 4, 1981. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin (same as applicant). *Contract Irregular: Such commodities as are dealt in by wholesale grocery distributors* between points in the US under continuing contracts with J. A. Hoffer, Inc., Toledo, OH for 270 days. Supporting Shipper(s): J. A. Hoffer, Inc., 359 Hamilton St., Toledo, OH 43602.

MC 150339 (Sub-2-29TA), filed February 5, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and Classes A & B explosives*, from Baltimore, Columbia, and Hagerstown, MD, to points in the United States (except AK & HI), under continuing contract(s) with Roper/Eastern, Baltimore, MD for 270 days. Supporting shipper: Roper/Eastern, 1601 Wicomico Street, Baltimore, MD 21244.

MC 136511 (Sub-II-5TA), filed February 5, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. (1) *Clothing and wearing apparel and component parts and materials and supplies used in the manufacture thereof* between Bennettsville, Loris, and Lake City, SC; Stanley, Woodland and Charlotte, NC; Meadville, PA; New York, NY; Los Angeles and Port Hueneme, CA; Seymour, IN; Cleveland, Decatur and Atlanta, GA; Dallas, TX; Randolph, MA; Milford, CT; and Memphis, TN. (2) *Materials and supplies used in the manufacture of clothing and wearing apparel and component parts thereof* from points in the US to Bennettsville, Loris and Lake

City, SC; Stanley, Woodland and Charlotte, NC; Meadville, PA; New York, NY; Los Angeles and Port Hueneme, CA; Seymour, IN; Cleveland, Decatur and Atlanta, GA; Dallas, TX; Randolph, MA; Milford, CT; and Memphis, TN for 270 days. Supporting shipper(s): Talcon, Division of Textron, 626 Arch St., Meadville, PA 16335.

MC 106920 (Sub-II-13TA), filed February 9, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) *materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA; for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 146890 (Sub-II-9TA), filed February 9, 1981. Applicant: C & E Transport, Inc., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. (1) *carpet strip, adhesives, sealants, stains, solvents, preservatives, plastic carpeting, and installation supplies* from the facilities of Roberts Consolidated Industries at or near Conyers, GA, to points in the U.S. in and east of TX, OK, MO, IA, and MN; (2) *Materials, equipment, and supplies* from points in and east of TX, OK, MO, IA, and MN to the facilities of Roberts Consolidated Industries, at or near Conyers, GA; and (3) *imported nails* from Savannah, GA to Conyers, GA, for 270 days. Supporting shipper: Roberts Consolidated Industries, Inc., 600 N. Baldwin Park Blvd., City of Industry, CA 91749.

MC 153983 (Sub-II-1TA), filed February 9, 1981. Applicant: STEAM KAT CORPORATION, P.O. Box 1686, Salisbury, MD 21801. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Hazardous and toxic waste* between pts in MD, on the one hand, and, on the other, pts in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): DelMarva Power & Light Company, P. O. Box 231, 800 King Street, Wilmington, DE 19899. Dixon Valve &

Coupling Company, 800 High Street, Chestertown, MD 21620. Dresser Industries, Inc., 124 West College Ave., Salisbury, MD 21801. Rubberset Company, Crisfield, MD 21817.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 2934 (Sub-3-29TA), filed February 13, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Electrical appliances, electrical equipment, electrical parts and related products; and material and supplies used in the manufacture and distribution of the commodities*, between points in Marion County, IN and Lucas County, OH on the one hand and on the other, points in Lucas County, OH; Orange County, FL; Philadelphia County, PA; and Warren County, KY. Supporting shipper: A.D.I. Appliances, Inc., 8399 Zionsville Road, Indianapolis, IN 46268.

MC 150786 (Sub-3-1TA), filed February 13, 1981. Applicant: EAGLE FURNITURE CORP. d.b.a., GREENWOOD CARRIERS, Route 5, Box 330, Cookeville, TN 38501. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Lumber and lumber products* between the facilities of Lowe Lumber Sales, at or near Cookeville, TN, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper(s): Lowe Lumber Sales Co., P.O. Box 446, Cookeville, TN 38501.

MC 119917 (Sub-3-2TA), filed February 13, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Georgia 30318. Representative: Mr. W. F. Dudley (same address as applicant). *Cornmeal, flour, popcorn, and birdseed in bag (except in bulk)* between the plantsite and shipping facilities of Shawnee Milling Company in Shawnee, OK, on the one hand and points in GA, NC, and SC, on the other. Supporting shipper: Shawnee Milling Company, P.O. Box 1567, Shawnee, OK. 74801.

MC 144827 (Sub-3-30TA), filed February 13, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Foam insulated cups and plastic liners* from San Antonio, TX, to points in the U.S. Supporting shipper: Concept Enterprises, Inc., 10604 Sentinel, San Antonio, TX 78217.

MC 146782 (Sub-3-12TA), filed February 13, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, Tennessee 37201. Representative James Rex Raines, 300 First Avenue, South, Nashville, Tennessee 37201. (1) *Electrical switchboards and high voltage gear and (2) material, equipment and supplies used in the manufacture of (1) above (except commodities in bulk)* between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Square D Company, 330 Weakley Road, Laverne, TN 37086.

MC 153509 (Sub-3-4TA), filed January 8, 1981. (Republication—Originally published in *Federal Register* of January 22, 1981, page 7097, Volume 46, No. 14.) Applicant: KENTUCKY DISPATCH, INC., 3363 Camp Ground Rd., Louisville, KY 40216. Representative James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202. *Contract carrier: irregular: adhesives; plastic bottles and materials, equipment and supplies used in the manufacture of these commodities* between Columbus, OH on the one hand, and, on the other, points in the U.S. under continuing contract with Franklin Chemical Inds., Inc. & subsidiaries. Supporting shipper: Franklin Chemical Inds. Inc. & Subsidiaries, 2020 Bruck St., Columbus, OH 43207.

MC 146623 (Sub-3-2TA), filed February 12, 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. (A) *Household and Marine fixtures and accessories; and (B) materials and supplies used in the manufacture and sale of (A) above* between points in FL on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Martec Corp. 900 SW 20th Way, Ft. Lauderdale, FL 33312; International Cushion Co., Inc., 1110 NE 8th Avenue, Ft. Lauderdale, FL 33304; Moss Manufacturing, Inc., 7600 NW 69th Avenue, Miami, FL 33166.

MC 31675 (Sub-3-37TA), filed February 12, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative Jay R. Hanson (same as above). *Paper and paper products* between Atlanta, GA, and points in the U.S. except AK and HI. Supporting shipper(s): Quality Park Products Division, Saxox Industries, 3350 Hamilton Blvd. S.W., Atlanta, GA 30354.

MC 148423 (Sub-3-9TA), filed February 11, 1981. Applicant: AVANT TRUCKING CO., INC., P.O. Box 216, Gray, GA 31032. Representative R. Napier Murphy, 700 Home Federal Building, Macon, GA 31201. *Fertilizer and fertilizer materials, including agricultural limestone and other soil conditioners* between points in TN and points in AL, GA, FL and SC. Supporting shipper: Estech General Chemicals Corporation, 740 Winterville Road, Athens, Georgia, 30605.

MC 31675 (Sub-3-38TA), Filed February 12, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Jay R. Hanson (same as above). *Metal Products and Materials used in the manufacture and distribution thereof* between Gwinnett and Fulton Counties, GA, and points in the east of MN, IA, MO, AR and TX. Supporting shipper(s): J.M. Tull Industries, Inc., Old Peachtree Road, P.O. Box 725, Norcross, GA 30071.

MC 140077, (Sub-3-1TA), filed, February 12, 1981. Applicant: SMITH TERMINAL WAREHOUSE CO., 3535 Northwest 112th Street, Miami, FL 33167. Representative: Bernard C. Pestcoe, Suite 700, Security Building, 700 Brickell Ave., Miami, FL 33131. *General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment*, between the facilities of Smith Terminal Warehouse Co., Dade County, FL, on the one hand, and points in the state of FL, on the other, restricted to the transportation of shipments having a prior or subsequent movement in interstate or foreign commerce. Supporting shipper(s): Glorietta Foods, 570 Race St., Box 5040, San Jose, CA 95150; Kellogg Company, 235 Porter Street, Battle Creek, MI 49018; Van Camp Seafood Co., 11555 Sorrento Valley Rd., San Diego, CA 92121

MC 15403 (Sub-3-1TA), filed February 12, 1981. Applicant: GREEN LINE EQUIPMENT, INC., 2223 Old Hwy. 45 North Columbus, Miss. 39701. Representative: David F. Perkins (same address as applicant). *Treated Lumber, Untreated Lumber, Plywood* from Marion County (Hamilton), AL, to MO., IL., IA., NE., WI., MN. Supporting shipper: W. T. Vick Lumber Co., P.O. Box 340 Hamilton, AL. 35570

MC 143059 (Sub-3-33TA), filed February 12, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same as Applicant). *Lumber, lumber products*

and forest products, from AL, to points in SD, KS, OK, TX, MO, IL, MI, IN, KY, TN, MS, OH, NY, PA, WV, VA, GA, LA, WI, NC, AR and SC. Supporting shippers: There are five (5) statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 119917 (Sub-3-1TA), filed February 12, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Georgia 30316. Representative: Mr. W. F. Dudley (same address as applicant). *Cleaning and washing compounds, cleaning and washing compound liquid, soap products, textile softener, food items (margarine and syrup, vegetable oil.) toilet preparations and mouthwash* between St. Louis, MO, on the one hand and Atlanta, GA., Cincinnati, OH; Chicago, IL; Hammond, IN; Jacksonville, FL., on the other. Supporting shipper: Lever Brothers Company, 1400 North Pennsylvania Avenue, St. Louis, Mo. 63133.

MC 56679 (Sub-3-28TA), filed February 12, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). *Such commodities as are dealt in or used by wholesale or retail food business houses, between the facilities of Piedmont Distribution Center, located in Mecklenburg County, NC, on the one hand, and, on the other, points in the US in and east of TX, OK, KS, NE, ND, and SD.* Supporting shipper: Piedmont Distribution Centers, P.O. Box 7123, Charlotte, NC 28217.

MC 144557 (Sub-3-7TA), filed February 11, 1981. Applicant: HUDSON TRANSPORTATION, INC., Post Office Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer or distributor of candy (except in bulk), between the facilities of American Candy Manufacturing Company Inc., at or near Selma, AL, on the one hand, and, on the other, points in the United States (except AK and HI).* Supporting shipper: American Candy Manufacturing Company, Inc., Post Office Box 879, Selma, AL 36701.

MC 150706 (Sub-3-2TA), filed February 10, 1981. Applicant: NEELY TRANSPORT, INC., P.O. Box 5132, Birmingham, AL 35214. Representative: George M. Boles, Carlton Boles, Clark Vann, Stichweh & Caddis, 727 Frank Nelson Bldg., Birmingham, AL 35203. *General commodities (except Class A and B explosives), regular routes: (1)*

Between the AL/MS State Line near Grand Bay, AL, and Savannah, GA, serving all intermediate points as follows: From the AL/MS State Line near Grand Bay, AL, over Interstate Hwy 10 to its junction with US Hwy 31, then over US Hwy 31 to Bay Minette, AL, then over AL Hwy 59 to its junction with Interstate Hwy 65, then over Interstate Hwy 65 to its junction with Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, GA, then over Interstate Hwy 75 to its junction with Interstate Hwy 16, then over Interstate Hwy 16 to Savannah, GA, and return over the same route. (2) Between Augusta, GA, and the AL/MS State Line near Cuba, AL, serving all intermediate points as follows: From Augusta, GA over Interstate Hwy 20 to the AL/MS State Line near Cuba, AL, and return over the same route. (3) Between Columbus, GA and the AL/MS State Line near Cuba, AL, serving all intermediate points as follows: From Columbus, GA over US Hwy 80 to the AL/MS State Line near Cuba, AL, and return over the same route. (4) Between Brunswick, GA, and Dothan, AL, serving all intermediate points as follows: From Brunswick, GA over US Hwy 84 to Dothan, AL, and return over the same route. (5) Between Atlanta, GA and Birmingham, AL, serving all intermediate points as follows: From Atlanta, GA over Interstate Hwy 75 to its junction with GA Hwy 20, then over GA Hwy 20 to its junction with US Hwy 411, then over US Hwy 411 to Rome, GA, then over GA Hwy 20 to the GA/AL State Line, then over AL Hwy 9 to its junction with US Hwy 411, then over US Hwy 411 to Gadsden, AL, then over Interstate Hwy 59 to Birmingham, AL, and return over the same route. (6) Between Birmingham, AL and Waycross, GA, serving all intermediate points as follows: From Birmingham, AL over US Hwy 280 to its junction with GA Hwy 55, then over GA Hwy 55 to its junction with US Hwy 82, then over US Hwy 82 to Waycross, GA, and return over the same route. (7) Between Macon, GA and the GA/FL State Line near Lake Park, GA, serving all intermediate points as follows: From Macon, GA over Interstate Hwy 75 to the GA/FL State Line near Lake Park, GA, and return over the same route. (8) Between Atlanta, GA, and the GA/SC State Line, serving all intermediate points as follows: From Atlanta, GA over Interstate Hwy 85 to the GA/SC State Line and return over the same route. (9) Between the AL/TN State Line near Ardmore, AL, and the AL/FL State Line near Campbellton, FL, serving all intermediate points as follows: From the

A/TN State Line near Ardmore, AL, over Interstate Hwy 85 to Montgomery, AL, then over US Hwy 231 to the AL/FL State Line near Campbellton, FL and return over the same route. (10) Between Oxford, AL, and the AL/MS State Line near Margerum, AL, serving all intermediate points as follows: From Oxford, AL, over US Hwy 431 to its junction with US Hwy 72, then over US Hwy 72 to the AL/MS State Line near Margerum, AL, and return over the same route. (11) Between Birmingham, AL, and the AL/MS State Line near Bexar, AL, serving all intermediate points as follows: From Birmingham, AL, over US Hwy 78 to the AL/MS State Line near Bexar, AL, and return over the same route. (12) Between Huntsville, AL, and the junction of US Hwy Alternate 72 and US Hwy 43, serving all intermediate points as follows: From Huntsville, AL over US Hwy Alternate 72 to its junction with US Hwy 43 and return over the same route. (13) Between Tuscaloosa, AL, and the AL/MS State Line near Stafford, AL, serving all intermediate points as follows: From Tuscaloosa, AL over US Hwy 82 to the AL/MS State Line near Stafford, AL, and return over the same route. (14) Between Demopolis, AL, and Mobile, AL, serving all intermediate points as follows: From Demopolis, AL, over US Hwy 43 to Mobile, AL, and return over the same route. (15) Between the AL/FL State Line near Campbellton, FL, and Mobile, AL, as follows: From the AL/FL State Line near Campbellton, FL, over US Hwy 231 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, for operating convenience only. (16) Between Quitman, GA, and Mobile, AL, as follows: From Quitman, GA, over US Hwy 221 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, for operating convenience only. Serving in routes (1) through (16) above points in AL and GA as off-route points. Applicant intends to interline at Florence, Sheffield, Tuscumbia, Birmingham, Huntsville, Montgomery, Mobile and Phenix City, AL; Atlanta, Macon, Savannah, Augusta and Tifton, GA. Supporting shipper(s): There are 212 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 149018 (Sub-3-1TA), filed February 10, 1981. Applicant: MAP TRUCKING AND BROKERAGE, INC., 5357 Ruth Drive, Charlotte, NC 28215. Representative: Richard A. Elkins or David B. Sentelle, Suite 400, 1130 East Third St., Charlotte, NC 28204.

Components of wood burning stoves and finished wood burning stoves, between points in NC, WV, VA, MD, PA, TN, SC, GA, KY, NJ, FL, OH, DC, NY, CO, AL, MS, LA, AR, TX, OK, IN, IL, DE, CT, MA, VT, NJ, and MI. Supporting shipper: National Steelcrafters, Inc., 1016 I-85 North, Charlotte, NC 28202.

MC 146402 (Sub-3-12TA), filed February 10, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, Tennessee 38301. Representative: Charles W. Teske (address same as applicant). *Doors, accessories thereto, and equipment material and supplies used in the installation thereof* From facilities of The Ceco Corporation at Little Rock, AR to points in LA, TN and TX. Supporting shipper: The Ceco Corporation, 1400 Kensington Road, Oak Brook, IL 60521.

MC 107934 (Sub-3-10TA), filed February 10, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004 *Carpet* between GA on the one hand, and, on the other, points in Davidson County, NC. Supporting shipper: E. E. Wilson Floor Covering, Inc., 1725 Cotton Grove Road, Lexington, NC 27292.

MC 138308 (Sub-3-21TA), filed February 10, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McAarty, P.O. Box 22628, Jackson, MS 39205. (1) *Malt beverages and related advertising materials*; (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries* between Jefferson County, CO, and points in AR, LA, MS, TN, and TX. Supporting shipper: Adolphs Coors Company, Golden, CO 80401.

MC 145230 (Sub-3-4TA), filed February 10, 1981. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39181. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier; irregular routes*; (1) *tiles or slabs, building or roofing, wood or wood fiber, and cement combined*; (2) *steel accessories*; and, (3) *precast reinforced concrete slabs* from the facilities of Concrete Products, Inc. at or near Brunswick, GA, and Terry, MS, to points in the U.S., in and east of NM, CO, NE, SD, and ND under a continuing contract(s) with Concrete Products, Inc., P.O. Box 340, Terry, MS 39170. Supporting shipper(s): Concrete Products, Inc., P.O. Box 340, Terry, MS 39170.

MC 153911 (Sub-3-1TA), filed February 9, 1981. Applicant: MOBILE

MODULAR TRANSPORT, INC., 1531 1/2 Roswell Road, P.O. Box 327, Marietta, GA 30061. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Buildings, building sections and modules, mobile homes and double wide mobile homes* between Henderson, NC and Gainesville, GA on the one hand, and, on the other, points in NC, SC, GA, VA, WV, TN, MD and DE. Supporting shipper: Vintage Homes, Inc. d.b.a. Parkway Homes Company, P.O. Box 1208, Henderson, NC 27538.

MC 151427 (Sub-3-5TA), filed February 9, 1981. Applicant: SABRE TRANSPORT, INC., P.O. Box 12288, Atlanta, GA. 30305. Representative: Harry L. Walsh, P.O. Box 12288, Atlanta, GA. 30305. *Non-Alcoholic Cocktail Mixes*, from Byhalia, MS., to points in and East of TX, OK, KS, NE, SD, and ND. Supporting shipper: Master of Mixes, 10975 Grandview Street, 27 Corporate Woods., Suite 120, Overland Park, KS. 66210.

MC 107934 (Sub-3-9TA), filed February 9, 1981. Applicant: BYRD MOTOR LINE, INC., P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. *Fiberglass insulation*, between GA, SC, AL, on the one hand, and, on the other, points in Davidson County, NC. Supporting shipper(s): Robert Hedrick Supply, Inc., Highway 8, Route 9, Lexington, NC 27292.

MC 115311 (Sub-3-18TA), filed February 9, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Carbon and graphite products (except commodities in bulk)*, between Morganton, NC on the one hand, and, on the other, points in the U.S. on and east of U.S. Hwy 85. Supporting shipper: Great Lakes Carbon Corp., 299 Park Avenue, New York, NY 10017.

MC 115311 (Sub-3-19TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Plastic and plastic articles (except in bulk)* between Malvern, AR; Fresno, LaMarada and Torrance, CA; Orlando, FL; Monroe, GA; Joliet, West Chicago and Willow Springs, IL; Seymour, IN; Oelwein, IA; Worcester, MA; Greensboro, NC; Langhorne, PA; Beach Island, SC; Chocolate Bayou, TX; Winchester, VA; Yakima, WA; and Chippewa Falls, WI on the one hand, and, on the other, points in the U.S. (except AK and HI)

restricted to shipments originating at or destined to the facilities of Amoco Chemicals Corp., Amoco Foam Products and Amoco Container Co. Supporting shipper: Amoco Foam Products Company, Suite 200, 2111 Powers Ferry Rd, NW, Atlanta, GA 30339.

MC 115311 (Sub-3-17TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between the facilities of Questor Corp. at or near Jasper, AL; Long Beach, CA; Atlanta, Tifton and Tucker, GA; Franklin Park, IL; Pinola and Indianapolis, IN; Holyoke, MA; Reno, NV; Goldsboro, NC; Lodi, Piqua, Ravenna and Toledo, OH; Philadelphia, PA; Dyersburg, TN, Arlington, Ft. Worth and Grand Prairie, TX; and Stevens Point, WI, on the one hand, and, on the other points in the US (except AK and HI). Restriction: Restricted against the transportation of traffic moving between points in Michigan, on the one hand, and, on the other hand, points in Ohio. Supporting shipper: Questor Corporation, P.O. Box 965, Toledo, OH 43694.

MC 115311 (Sub-3-15TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Aquariums, pet supplies, aquarium supplies and playground equipment and materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between the facilities of O'Dell Manufacturing, Inc. at or near Canton, GA on the one hand, and, on the other, points in the U.S. Supporting shipper: O'Dell Manufacturing, Inc., P.O. Box 1169, Canton, GA 30114.

MC 115311 (Sub-3-16TA), filed February 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Chemicals (except in bulk)* between the facilities of Bio-Lab, Inc. located at or near Decatur and Conyers, GA on the one hand, and, on the other, points in the United States. Supporting shipper: Bio-Lab, Inc., 1739 Dogwood Drive, Conyers, GA 30207.

MC 153960 (Sub-3-1TA), filed February 9, 1981. Applicant: STANDARD TRANSFER CO., INC., 1500

Bankhead Highway, Mableton, GA 30059. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Liquid asphalt, in bulk, in tank vehicles, between points in GA, on the one hand, and, on the other, points in Hamilton County, TN, Tuscaloosa County, AL and Walker County, AL. Supporting shipper(s): Metro Materials, Inc., 2480 Pleasantdale Road, Doraville, GA 30340, Young Refining Corporation, P.O. Box 796, Douglasville, GA 30133, Clayton Asphalt Company, 3110 Maple Drive, Atlanta, GA 30305, Dykes Materials, Division of Dykes Paving & Construction Co., 2775 Jones Mill Road, Norcross, GA 30071.*

MC 115162 (Sub-3-17TA), filed February 9, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert W. Tate (same address as applicant). *Glass and glass products, and materials, equipment and supplies used in the manufacture and distribution of glass and glass products between points in the United States, restricted to the transportation of shipments from, to, or between the facilities of Libbey-Owens-Ford Company. Supporting shipper: Libbey-Owens-Ford Company; 811 Madison Avenue, Toledo, OH 43695.*

MC 12181 (Sub-3-9TA), filed February 6, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37201. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Common carrier: regular: General commodities (except Classes A and B explosives), between Nashville, TN and points in its commercial zone and Princeton, KY and points in its commercial zone from Nashville, TN over Interstate Hwy 24 to junction U.S. Hwy alternate 41 then over U.S. Hwy alternate 41 to Hopkinsville, KY, then over KY Hwy 91 to Princeton, KY and return over the same route serving no intermediate points. Supporting Shippers: There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.*

Note.—Applicant intends to tack with existing authority in MC-121821, and subs thereto and to interline at Nashville, TN and Princeton, KY.

MC 153421 (Sub-3-3TA), filed February 6, 1981. Applicant: PRINTCO., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 425-13th St., N.W., Suite 1032, Washington, DC 20004. *Printed matter between Memphis, TN and Dallas, TX, on the one hand, and, on the other, San Francisco and San Bernardino, CA, Seattle WA, Denver, CO, Minneapolis,*

MN, Des Moines, IA, Kansas City, KS, Dallas-Fort Worth, TX, Memphis, TN, St. Louis, MO, Chicago, IL, Detroit, MI, Cincinnati, OH, Atlanta, GA, Jacksonville, FL, Winston-Salem, NC, Pittsburgh and Philadelphia, PA, Washington, DC, New York, NY, and Springfield, MA. Supporting shipper: Storm Printing, P.O. Box 30208, Memphis, TN.

MC 143959 (Sub-3-1TA), filed February 9, 1981. Applicant: ALL-PRO TRANSPORT LINES, INC., 8900 N.W. 79th Avenue, Miami, FL 33166. Representative: Frank J. Hathaway 7615 Biscayne Boulevard Miami, FL 33138 *General commodities (except those of unusual value: Classes A & B explosives; household goods as defined by the Commission; commodities in bulk; and those requiring special equipment) between all points in the state of FL, restricted to traffic having a prior or subsequent movement by water, in interstate or foreign commerce. Supporting shippers: East-West Shippers Association, 2000 South 71st Street, Philadelphia, PA; West Coast Shippers Association, Inc., 2000 South 71st Street, Philadelphia, PA.*

MC 147288 (Sub-3-1TA), filed February 6, 1981. Applicant: A&L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhofer, Suite 423, 1511 K St., N.W., Washington, DC 20005. *(1) Carpets, jute and yarn, and (2) materials and supplies used in the manufacture and distribution of (1) above, between Savannah, GA; Charleston and Georgetown, SC; Wilmington, NC; Newport News and Norfolk, VA; Mobile, AL; New Orleans, LA; and Jacksonville, FL, and points in GA north of Interstate 20. Supporting shippers: One East International, Inc., P.O. Box 2182, 444 N. Hamilton St., Dalton, GA 30720; Etco International, Inc., 212 N. Pentz, Dalton, GA 30720; and Halu Company, 14 Walnut Dr., Cartersville, GA 30120.*

MC 153957 (Sub-3-1TA), filed February 6, 1981. Applicant: SCA SERVICES OF KENTUCKY, INC., 200 Highrise Drive, Louisville, KY 40213. Representative: Robert E. Lee (same as above). *Hazardous wastes and sludges, from Jefferson County, KY to points in OH, SC, IL, IN and TN. Supporting shipper(s): Ford Motor Company, Fern Valley Road, Louisville, KY 40213 and The B.F. Goodrich Company Chemical Group, P.O. Box 32950, Louisville, KY 40232.*

MC 114848 (Sub-3-5TA), filed February 6, 1981. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tennessee

38113. Representative: James M. Wharton, President (same address as above). *Lime, from Caldwell County, KY, to Weakley County, TN. Supporting Shipper: Southern Milling Company, 109 Lindell Street, Martin, TN 38237.*

MC 28307 (Sub-3-2TA), filed February 5, 1981. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham Street, Charlotte, NC 28206. Representative: Robert D. Hoagland, 1204 Cameron Brown Bldg., Charlotte, NC 28204. *General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between points in the following counties in NC: Alexander, Alleghany, Ashe, Bladen, Brunswick, Burke, Caswell, Chatham, Columbus, Davie, Duplin, Franklin, Granville, Harnett, Hoke, Lincoln, Moore, Nash, Onslow, Orange, Pender, Person, Polk, Randolph, Robeson, Sampson, Scotland, Stokes, Surry, Transylvania, Watauga, Wayne, Wilson and Yadkin, on the one hand, and points in NC on the other hand. NOTE: Applicant intends to tack with existing authority in MC-28307 and to interline with other carriers at Asheville, Charlotte, Greensboro, and Hickory, NC and Knoxville and Johnson City, TN. Supporting shipper(s): There are 21 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.*

MC 121081 (Sub-3-5TA), filed February 5, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Pipe, pipe fittings and accessories, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in the United States in and east of LA, AR, MO, IA, and MN. Supporting shipper: Eslon Thermoplastics Corp., One Rodney Avenue, Pineville, NC.*

MC 107960 (Sub-3-2TA), filed February 9, 1981. Applicant: SUMMERFORD TRUCK LINE, INC., 206 Broadway, Ashford, AL 36312. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Tires and accessories, materials, supplies, equipment and machinery used in the manufacture, production and shipping of tires, between Jacksonville FL, on the one hand, and, on the other hand, Dothan, AL. Supporting Shipper: Michelin Tire Corporation, Manufacturing Division, Post Office Box 2846, Greenville, S.C. 29602.*

MC 153997 (Sub-3-1TA), filed February 11, 1981. Applicant: ANMAC

SERVICES, INC., Route 2, Box 286, Lawrenceburg, TN 38464. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, Tennessee 37219. *Such commodities as are dealt in by manufacturers and/or distributors of carpeting and/or floor covering between Catoosa, Whitfield, Gordon and Murray Counties, GA, on the one hand, and points in TN, on the other. There are five statements of support attached to this application which may be examined at the ICC Regional Office, Atlanta, Ga.*

MC 106074 (Sub-3-18TA), filed February 11, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28045. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Chemicals, dyes and related products, from the facilities of Hoechst Fibers Industries at or near Mount Holly and Charlotte, NC to Chicago, IL; Des Moines, IA; and Houston, TX. Supporting shipper: Hoechst Fibers Industries, Spartanburg, SC 29304.*

MC 135895 (Sub-3-20TA), filed February 11, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. (1) *Plastics, plastic articles and plastic products (except in bulk) and (2) equipment, materials and supplies used in the manufacture, sale, assembly and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment) between points in AL, AR, GA, LA, MS, TN and TX: Restricted to traffic originating at or destined to facilities of Sewell Plastics, Inc. Supporting shipper(s): Sewell Plastics, Inc., 595 Industrial Drive, Jackson, MS 39209.*

MC 153991 (Sub-3-1TA), filed February 10, 1981. Applicant: CHARLES E. SMITH, d./b./a. CHARLES E. SMITH TRUCKING, 903 Hwy 61, North, P.O. Box 1101, Cleveland, MS 38732. Representative: Harold H. Mitchell, Jr., Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *Contact Carrier: Irregular. Iron and steel articles between Rosedale and Cleveland, MS. Restricted to traffic having a prior or subsequent movement by water or rail. Supporting shipper: Duo-Fast Corporation, Route 2, Box 37-A, Cleveland, MS 38732.*

MC 153914 (Sub-3-2TA), filed February 6, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35455. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Tile and tile products, and materials, supplies*

and equipment used in the manufacture and distribution thereof between the facilities of American Olean Tile at or near Fayette, AL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: American Olean Tile Company, 1000 Cannon Avenue, Lansdale, PA 19446.

MC 107912 (Sub-3-4TA), filed February 6, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Agricultural chemicals, and materials, equipment and supplies utilized in the manufacture of agricultural chemicals between Iberville and East Baton Rouge Parishes, LA and Phillips County, AR, on the one hand, and, on the other, points in AL, TX, MO, MS, TN, GA, KY and OH. Supporting shipper(s): Ciba-Geigy Corporation, 444 Saw Mill River Road, Ardsley, NY 10502 and Helena Chemical Co., Hwy. 49B, W. Helena, AR.*

MC 151463 (Sub-3-1TA), filed February 6, 1981. Applicant: BIGBEE TRANSPORTATION, INC., 2025 Highway 45 North, Columbus, MS 39701. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Forest products, lumber and/or wood products from the facilities of Weyerhaeuser Company located at or near Beaumont, Bruce and Philadelphia, MS; and Lamar County and Livingston, AL to points in the States of AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OK, OH, PA, SC, TN, TX, VA, WV and WI. Supporting shipper(s): Weyerhaeuser Company, P.O. Box 2288, Columbus, MS 39701.*

MC 144955 (Sub-3-1TA), filed February 10, 1981. Applicant: FLORIDA FAST FREIGHT, INC., P.O. Box 5177, Glencoe, AL 35905. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. *General commodities (1) from points in Duval, Orange, Polk, Pinellas, and Hillsborough Counties, FL, to points in AL, GA, and TN; and (2) from points in Etowah County, AL, to points in GA and FL. Supporting shippers: There are 10 statements in support attached to this application which may be examined at the L.C.C. Regional Office in Atlanta, GA.*

MC 144503 (Sub-3-11TA), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Metal products, machinery and materials, equipment and supplies used or distributed by a tool and*

machine manufacturer between points in Oakland and Wayne County, MI, on one hand and on the other points in the U.S. Supporting shippers: Dearborn Toll and Machine, 10200 Ford Road, Dearborn, MI 48126, and DeVlieg Machine Company, 2800 West 14 Mile Road (Fair Street), Royal Oak, MI 48068.

MC 126305 (Sub-3-12TA), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Prefabricated metal buildings, KD; (2) parts and accessories for commodity named in (1) above, and (3) materials, equipment and supplies (except commodities in bulk) used in the manufacture, sale and assembly of (1) above; between points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: American Building Company, State Docks Road, Eufaula, Alabama 36027.*

MC 126305 (Sub-3-13TA), filed February 10, 1981. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Canned and bottled foodstuffs, including clams, clam chowder, clam juice, mayonnaise, salad dressing, chili sauce, and mustard, among other items, between points in US east of and including the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Dorse Food Corporation, 8840 Kelso Drive, Baltimore, MD, 21221. (Restricted to traffic originating at or destined to the facilities used or utilized by Dorse Food Corporation).*

MC 136828 (Sub-3-2TA), filed February 10, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362-A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Machinery, the parts, components, equipment, materials, and supplies used in the manufacture, sale and distribution of machinery, between the facilities of Lane & Bowler Incorporated located in Memphis, TN and Lubbock, TX on the one hand and on the other, all points in the U.S. Supporting Shipper: Lane & Bowler Incorporated, P.O. Box 8097, Memphis, TN 38108.*

MC 157763 (Sub-3-2TA), filed February 10, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Nashville, TN 37215. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tennessee 37219. *Wood molding, from CA and OR to AR, KY, MS, OH, TN and VA.*

Supporting shipper: Eagle Forest Products, P.O. Box 26164, Sacramento, CA 95826.

MC 134105 (Sub-3-13TA), filed February 10, 1981. Applicant: CELERYVALE TRANSPORT INC., 1706 Rossville Avenue, Chattanooga, TN, 37408. Representative: James E. Elgin (address same as applicant). *Meat, Meat Products, Meat By-Products and other items produced by meat packing companys (except commodities in bulk, and hides) between points in the states of: IL, KS, KY and OH on the one hand, and on the other, points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the plantsites and facilities utilized by American Pantry, Inc. Supporting shipper: American Pantry, Inc., P.O. Box 9284, Phoenix, Arizona 85068.*

MC 153992 (Sub-3-1TA), filed February 10, 1981. Applicant: C & C TRUCKING, 108 Coburn Drive, Chattanooga, Tennessee 37415. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. *Lard, shortening, vegetable oil, cooking or salad oil, margarine, edible tallow and supplies between Hamilton County, TN, on the one hand, and points in NC, SC, AL, FL, GA, VA, LA, MS, KY, and IL, on the other. Supporting shipper: Bunge Edible Oil Corporation, Box 192, Kankakee, Illinois, 60901.*

MC 148352 (Sub-3-1TA), filed February 10, 1981. Applicant: R & B TRUCKING CO., INC., P.O. Box 351, Millport, AL 35576. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. (1) *forest products and lumber mill products and (2) materials, equipment, and supplies used in the manufacture of the products specified in (1) (1) From points in AL, MS, AR, GA, and LA to points in and east of TX, OK, KS, NE, IA, MN, and (2) from points in and east of TX, OK, KS, NE, IA, and MN to points in AL, MS, AR, GA, and LA. Supporting shippers: Weyerhaeuser Company, Inc., 105 Alabama Street (P.O. Box 2288), Columbus, MS 39701, Northwest Wholesale Lumber, Inc., P.O. Box 2258, La Crosse, WI 54601.*

MC 144503 (Sub-3-12TA), filed February 9, 1981. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Charles L. Redel, 212 Hoeschler Exchange Building, La Crosse, WI 54601. *Automotive parts, accessories, and supplies between points in MI, MO, TN, and GA. Supporting shipper: Chrysler*

Corporation, 26311 Lawrence Avenue, Center Line, MI 48015.

MC 113528 (Sub-3-4TA), filed February 9, 1981. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36633. Representative: Joy Stephenson (same address as applicant). *Common carrier: Regular routes: General commodities (with the usual exceptions), serving all points in Clarke County, GA as off route points in connection with carrier's otherwise authorized regular route operation. Note: Carrier intends to tack with existing authority MC-113528. Supporting shipper: Pesa Sales Company, P.O. Box 4590, Brownsville, TX 78520.*

MC 150573 (Sub-3-3TA), filed February 9, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., Weston Road, P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Soybean meal and hulls, peanut meal and hulls, sunflower meal, cottonseed meal and citrus pulp, between all points in AL, and GA on the one hand, and on the other, all points in FL, in dump vehicles. Supporting shipper: Agricol Georgia, Inc., 15 Dunwoody Park, Suite 100-H, Atlanta, GA 30338.*

MC 106644 (Sub-3-8TA), filed February 9, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same as applicant). (1) *Commodities, the transportation of which because of size or weight, require use of special equipment, and (2) self-propelled articles (except automobiles) between points in TX, on the one hand, and, on the other, points in OK. Supporting shippers: There are 17 Statements of Support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.*

MC 138882 (Sub-3-35TA), filed February 9, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, Alabama 36081. Representative: John J. Dykema (same address as applicant). (1) *Lumber and lumber mill products, and (2) Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above, Between Greene County, AL and Emporia, VA on the one hand, and, on the other, points in the states of NC, VA, WV, TX, IL, MI, MS, LA, KY, TN, IN, AR, OH, FL, GA, WI, MD, AL, VT, NJ, and MA. Supporting shipper(s): (1) B & L Plywood, Inc., P.O. Box 828, Emporia, VA 23847 and (2) Sumter Veneer Works, P.O. Box 351, Eutaw, Alabama 35462.*

MC 115841 (Sub-3-46TA), filed February 9, 1981. Applicant: COLONIAL

REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelle Good (same as above). (1) *Malt beverages and related advertising materials (except commodities in bulk), from Jefferson County, CO to points in TN and MS; and (2) Empty used beverage containers and materials and supplies used in and dealt with by breweries, from points in TN and MS to Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.*

MC 107107 (Sub-3-3TA), filed February 10, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N. W. 42nd Avenue, Opa Locka, Florida 33054. Representative: Sidney Alterman, 12805 N. W. 42nd Avenue, Opa Locka, Florida 33054. *Glass containers, equipment and supplies used in the manufacture and distribution thereof, between Warner Robins, GA on the one hand, and, on the other, points and places in FL. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ 07721.*

MC 18088 (Sub-3-2TA), filed February 9, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street, N.W., Washington, D.C. 20006. *Contract carrier: irregular routes; General commodities (except household goods as defined by the commission and classes A and B explosives); between points in the U.S. under continuing contract with Union Underwear Company, Inc. Supporting shipper: Union Underwear Company, Inc., P.O. Box 780, Bowling Green, KY 42101.*

MC 146646 (Sub-3-41TA), filed February 11, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *Such commodities as are manufactured, processed, sold, used, distributed, and dealt in by Fort Howard Paper Company (except commodities in bulk). Between Green Bay, WI, and Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CA, FL, GA, IL, IA, KS, KY, LA, MS, MO, NE, NC, OK, OR, SC, TN, TX, WA, and WI. Supporting shipper: Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.*

MC 138157 (Sub-3-47TA), filed February 11, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as above).

Business forms, printed matter, office supplies, paper and paper products, and materials, equipment, and supplies used in the manufacture, production, and distribution of the named commodities between Carson, Fullerton, San Diego, Santa Ana, San Jose, Santee, and Los Angeles, CA; Benton, LA; Brookfield, WI; Chicago, IL; Dallas, Houston, and San Antonio, TX; Eden, NC; Raldolph Township, NJ; Salt Lake City, UT; Tulsa, OK; and Sewanee, GA on the one hand, and, on the other, points in the United States. Restricted against the transportation of commodities in bulk and further restricted to traffic originating at or destined to the facilities of Vanier Graphics Corporation. Supporting shipper: Vanier Graphics Corporation, 1851 Deere Avenue, Santa Ana, CA, 92705.

MC 146782 (Sub-3-11TA), filed February 10, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Aluminum extrusions*, from the facilities of Jarl Extrusions, Inc., in Carter County, Tennessee, to points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Jarl Extrusions, Inc., Staline Road, Elizabeton, TN 37654.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 5227 (Sub-5-15TA), filed February 9, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Beverages*, from St. Paul, MN; Portland, OR; Omaha, NE; Los Angeles and Irvine, CA; Phoenix, AZ; San Antonio and Houston, TX; Tumwater, WA; Belleville, IL; and Newark, NJ and pts in their commercial zones to Denver, CO. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Avenue, Denver, CO 80223.

MC 26825 (Sub-5-9TA), filed February 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Food and related products*, between Norfolk, Ne on the one hand, and on the other, Pts in CO, IL, IN, IA, KS, MN, MO, ND, OK, SD, TN, TX, WI and WY. Supporting shipper: Plains Distribution, Inc., d/b/a Plains Double Cola Bottling Co., 405 West Northwest Avenue, Norfolk, NE 68701.

MC 67234 (Sub-5-14TA), filed February 9, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Contract irregular *Data Processing Machines or Systems, Business or Office Machines, Supplies, Units or Devices, and Parts used in the development, manufacture, and distribution of the herein listed commodities*, between points and places in the U.S. under continuing contract with I. B. M. Corporation. Supporting shipper(s): International Business Machines Corp., Old Orchard Road, Armonk, NY 10504.

MC 87511 (Sub-5-5TA), filed February 9, 1981. Applicant: SAIA MOTOR FREIGHT LINE, INC., 100 Elysian Avenue, P.O. Box A, Houma, LA 70360. Representative: A. Rex Joyner (same as above). *Phosgene, in cylinders (ton tanks), and empty cylinders (ton tanks) in return movement between La Porte, TX and Military and/or Riverton, KS*. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

Note.—Applicant intends to tack or join this authority with its authority in MC-87511.

MC 93840 (Sub-5-5TA), filed February 9, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *salt and salt products, and (2) equipment, materials, and supplies used in the manufacture, sale, or distribution of the commodities in (1)*, between pts in Scott County, IA, on the one hand, and, on the other, pts in IN, KY, and MN. Supporting shipper: Cargill Incorporated—Salt Division, P.O. Box 9300, Minneapolis, MN 55440.

MC 96881 (Sub-5-1TA), filed February 9, 1981. Applicant: FINE TRUCK LINE INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. *Furnaces, Air Cooling Apparatus, Air Coolers and Blowers and Parts and Accessories thereof (except hazardous materials and commodities in bulk)* between the plantsite of Rheem Manufacturing Company, Fort Smith, AR, on the one hand, and, on the other, points in AL, CO, IL, KS, KY, LA, MS, MO, NE, NM, OK, TN and TX. Supporting shipper: Rheem Manufacturing Company, Fort Smith, AR.

MC 99427 (Sub-5-10TA), filed February 9, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines,

IA 50309. *Sulfuric acid*, from Hayden, AZ to Clark County, NV. Supporting shipper: McKesson Chemical Company, 4909 West Pasadena Avenue, Glendale, AZ 85301.

MC 99427 (Sub-5-11TA), filed February 9, 1981. Applicant: ARIZONA TANK LINES, INC., 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same as above). *Sponge iron and cooper cathodes and materials and supplies used in the production of primary metals*, between pts. in Pinal County AZ, on the one hand, and pts. in NM and AZ, on the other hand, having prior or subsequent movement by rail. Supporting shipper: Noranda Lakeshore Mines, Inc., P.O. Box C-6, Casa Grande, AZ 85222.

MC 120419 (Sub-5-3TA), filed February 9, 1981. Applicant: SERVICE TRANSFER, INC., P.O. Box 460, Henryetta, OK 74437. Representative: Dean Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Such commodities as are manufactured, processed, sold, used, distributed and dealt in by manufacturers of paper and paper products* between Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CO, KS, KY, LA, MO, MS, NM, OK, TN and TX. Supporting shipper(s): Fort Howard Company, 1919 S. Broadway, Green Bay, WI 54305.

MC 128273 (Sub-5-29TA), filed February 9, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P. O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P. O. Box 189, Fort Scott, KS 66701. *General commodities*, between the facilities of Franchise Services, Inc. on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Franchise Services, Inc., P. O. Box 484, Wichita, KS, 67201.

MC 134134 (Sub-5-11TA), filed February 9, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. (1) *Lockers, cabinets, storage cases, shelving, sheet metal products, and related parts, and accessories, (2) materials, equipment, supplies, and parts used in the manufacture, sale, and distribution of the articles described in (1) above*, between pts in Cuyahoga County, OH, on the one hand, and, on the other, pts in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, IN, OH, MI, KY, TN, WI, IL, MN, IA, MO, ND, SD, NE, KS, and CO. Restricted to shipments originating at or terminating at the

facilities of Interior Steel Equipment Co., Cleveland, OH. Supporting shipper: The Interior Steel Equipment Company, 2352 East 69th Street, Cleveland, OH 44104.

MC 145150 (Sub-5-9TA), filed February 9, 1981. Applicant: HAYNES TRANSPORT CO. INC., R#2 Box 9, Salina, KS 67401. Representative: Donald F. Darling Sr., 1036 Scott, Salina, KS 67401. *Fertilizer and fertilizer ingredients between Reno & McPherson Counties, KS and points in OK.* Supporting shipper: Phillips Petroleum Company, Adams Building, Bartlesville, OK 74004.

MC 145441 (Sub-5-42TA), filed February 9, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Meat, meat products, meat by-products, and related products distributed by meat packinghouses from Detroit, MI and Chicago, IL to Los Angeles, CA, Tucker, GA, Seattle, WA, Oklahoma City, OK.* Supporting shipper: RNK Enterprises, 3851 Minges Road, Battle Creek, MI 49015.

MC 146078 (Sub-5-19TA), filed February 9, 1981. Applicant: CAL-ARK, INC., 854 Moline, P. O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P. O. Box A, Prairie Grove, AR 72753. *Paper, paper articles, materials, and supplies utilized in manufacture, and distribution of paper articles and related specialty products, between Green Bay, WI and Muskogee, OK, on the one hand and, on the other, points in AL, AR, CO, GA, FL, KY, LA, MS, NM, OK, TN, TX, WI, CA, and AZ.* Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway, Green Bay, WI.

MC 146078 (Sub-5-20TA), filed February 9, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box, Prairie Grove, AR 72753. *Furniture parts, metal products, and paper products, and materials, equipment, and supplies utilized in the manufacture, transportation, and installation thereof, from (1) Carthage, Aurora, and Springfield, MO, to all points and places in AR and TX; (2) Tupelo, MS to Ennis and Houston, TX; (3) Memphis, TN to Little Rock, AR; and (4) Simpsonville, KY to Ennis, TX.* Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, Carthage, MO 64836.

MC 147388 (Sub-5-8TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R. R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849,

Lincoln, NE 68501. *(1) Irrigation equipment; (2) parts, materials, and supplies used in the manufacture, sale, repair and distribution of irrigation equipment, (except in bulk), and (3) such commodities as are dealt in by food and grocery businesses, (except in bulk), between Kearney, NE, on the one hand, and, on the other, points in the U.S., (except AK and HI).* Supporting shippers: Ace Irrigation and Mfg., Inc., P.O. Box 1887, Kearney, NE 68847 and Cashway Candy Co. of Kearney, Inc., Box 309, 119 West 19th Street, Kearney, NE 68847.

MC 147388 (Sub-5-9TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R.R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Non-alcoholic beverages (except in bulk), and parts, materials, and supplies used in the manufacture, sale and distribution of non-alcoholic beverages (except in bulk), between Lincoln, NE, on the one hand, and, on the other, points in KS, MN, and OK.* Supporting Shipper: Lincoln Coca Cola Bottling Company, Inc., 2120 "G" Street, Lincoln, NE 68510.

MC 147388 (Sub-5-10-TA), filed February 9, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., R. R. 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, from the facilities of Dugdale of Nebraska, at or near Darr, NE, to points in the U.S.* Supporting Shipper: Dugdale of Nebraska, Box 166, Cozad, NE 69130.

MC 149333 (Sub-5-3TA), filed February 9, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington Avenue, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Contract irregular Waste Scrap and Hazardous Materials, between points in MO and Emelle, AL.* Supporting shipper: Shaw & Sons Enviro Pro Ecology Unit VII, 500 Bennington Avenue, Kansas City, MO 64125.

MC 151158 (Sub-5-3TA), filed February 9, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Foodstuffs and materials, equipment, and supplies used in the manufacture, sale, and distribution of foodstuffs between the facilities of Land O' Frost of Arkansas, Inc. at Searcy, AR on the one hand and points in the U.S. on the other.* Supporting shipper: Land

O' Frost of Arkansas, Inc., Hastings Avenue, Searcy, AR 72143.

MC 151788 (Sub-5-3TA), filed February 9, 1981. Applicant: MEL JARVIS CONSTRUCTION COMPANY, INC., 2934 Arnold Avenue, Salina, KS 67401. Representative: William B. Barker, Jandera, Gregg & Barker, P.O. Box 1979, Topeka, KS 66601. *(1) Waste Products for Recycling, (2) Recycled Waste Products, and (3) Equipment, Materials and Supplies used in recycling waste products, Between Salina, Kansas and points in the U.S.* Supporting shipper: Pet Recycling, Inc., 401 N. Third, Salina, KS 67401.

MC 151996 (Sub-5-2TA), filed February 9, 1981. Applicant: M & S TRANSPORTATION, INC., Route 3, Box 8B, Lonoke, AR 72086. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *(1) Malt beverages and related advertising materials, and (2) Empty used beverage containers and materials and supplies used in and dealt with by breweries, between Jefferson County, CO and points in AR, TN, LA and MS.* Supporting shipper: Adolph Coors Company of Golden, CO.

MC 152117 (Sub-5-3TA), filed February 9, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Avenue, S.W., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson, (same). *1. Film or sheeting, plastic, other than cellulose, from Richmond, CA to points in the U.S. (excluding AK & HI). 2. Non-exempt food and kindred products, from points in the U.S. (excluding AK & HI) to points in IA, IL, MN, NE, ND, KS, SD, and WI. 3. Such commodities as are dealt in or used by retail drug, variety, and department stores (except commodities in bulk). Between points in the U.S. (except AK & HI).* Supporting shippers: Nash Finch Company, 3381 Gorham Avenue, Minneapolis, MN 55426. Sigmadyne, 1060 Hensley St., Richmond, CA 94804. Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310.

MC 153328 (Sub-5-2TA), filed February 9, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: G. H. Boles, 321 North Spring Avenue, Cape Girardeau, MO 63701. *Machinery and metal products and materials, equipment and supplies used in the manufacture and distribution thereof; (1) between points in AR, IL, IN, IA, KS, KY, MI, MS, MO, OH, SC and TN and (2) points in (1) on the one hand, and, on the other, points in the U.S. (except AK and HI).* Supporting shipper: Emerson Motor Division,

Emerson Electric Corporation, St. Louis, MO 63136.

MC 153799 (Sub-5-1TA), filed February 9, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., 1204 Southeast 29th Street, P.O. Box 15463, Oklahoma City, OK 73155. Representative: Carroll L. Smith (same as applicant). Contract; Irregular. *Hazardous chemical waste*, from Oklahoma City, OK, to Union County, AR, Sumter County, AL, Harris County, TX, Calcasieu Parish, LA. Supporting shipper: OC/ALC Tinker AFB, OC/ALC PMKFC Tinker AFB, OK 73145.

MC 153816 (Sub-5-1TA), filed February 9, 1981. Applicant: WELLS TRUCKING, INC., 108 Zeiler, Paris, AR 72855. Representative: Stephen A. White, P.O. Box 85, Charleston, AR 72933. Contract irregular *cleaning products and household items* from Arlington, TX, to all points in the states of TX, OK, AR and LA. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, TX 76010.

MC 153959 (Sub-5-1TA), filed February 9, 1981. Applicant: BERT V. GROVES, JR., d.b.a. TOTAL DRAYAGE COMPANY, 2122 Third Street, New Orleans, LA 70113. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *General Commodities in containers having an immediate prior or subsequent movement by water except Class A and B explosives and commodities in tank vehicles*, between New Orleans, LA on the one hand, and, on the other, all points in LA, MS and AL. Supporting shipper: Biehl & Company, 416 Common Street, New Orleans, LA; Black & Geddes, Inc., 1000 I.T.M. Building, New Orleans, LA; Compre International, Inc., 1023 I.T.M. Building, New Orleans, LA.

MC 153961 (Sub-5-1TA), filed February 9, 1981. Applicant: BINGHAM TRUCKING, INC., Route #2, Box 135, Chickasha, OK 73018. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73108. Contract; Irregular. *Tubular Goods, Pipe and Steel Products*, between Houston, TX and Okla. City, OK. Supporting shipper(s): Standard Steel Co., 1400 E. Reno, P.O. Box 302, Okla. City, OK 73101 and Sterling Pipe & Supply Co., 5707 S. Eastern, Okla. City, OK 73109.

MC 153962 (Sub-5-1TA), filed February 9, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Contract, irregular. *Such merchandise as is dealt in by*

lumber yards and hardware stores, between points in the U.S., under a continuing contract(s) with Payless Building Center, for Shipper: Payless Building Center, 2501 30th Avenue, Kearney, NE 68847.

MC 153983 (Sub-5-1TA), filed February 9, 1981. Applicant: MID-STATES MOTOR TRANSIT, INC., P.O. Box 4231, Wichita, KS 67204. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Clay, concrete, glass or stone products and pulp, paper and related products*, between Sedgewick County, KS on the one hand, and on the other hand, points in the U.S. Supporting Shipper: Safelite, Division of Lear Siegler, 801 S. Wichita, P.O. Box 1879, Wichita, KS 67201.

MC 5227 (Sub-5-16TA), filed February 10, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Grain handling equipment, parts and steel articles* between Clark County, OH on the one hand, and, on the other, pts in IA, MN, WI, IL, PA, KS, MI, MO, AR, TN, LA, TX, MS, AL, GA and NC. Supporting shipper: Sweet Manufacturing Company, P.O. Box 1066, 2000 E. Leffel Lane, Springfield, OH 45501.

MC 22509 (Sub-5-9TA), filed February 11, 1981. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Ave., St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main St. Winchester, KY 40391. *Such commodities as are dealt in or used by manufacturers of insulation and insulation materials* from pts. in the Kansas City, KS-Kansas City, MO commercial zone to pts. in the U.S. (except AK and HI). Supporting shipper: CertainTeed Corporation, P.O. Box 880, Valley Forge, PA 19482.

MC 117765 (Sub-5-20TA), filed February 10, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Insulation Materials*, from Columbia County, AR; Harvey County, KS; Bowie, Dallas, Ellis and Tarrant County, TX, to KS, MO and OK. Supporting shipper: Thermal Shield, Inc., 6015 South High, Oklahoma City, OK 73149.

MC 119789 (Sub-5-41TA), filed February 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Foodstuffs, (except in bulk) and materials and supplies used*

in the manufacture, sale and distribution thereof, between Chicago, IL; Denver, CO; Los Angeles and Milpitas, CA; on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Fearn International, Inc., 9353 Belmont, Franklin Park, IL, 60131.

MC 138069 (Sub-5-8TA), filed February 10, 1981. Applicant: LUCIUS, INC., 2512 S. 163rd St., Omaha, NE 68130. Representative: James P. Beck, 717 17th St., Ste 2800, Denver, CO 80202. (1) *Malt beverages and related advertising materials*, and (2) *empty used containers and materials and supplies used in and dealt with by breweries*, between pts in Jefferson County, CO on the one hand, and, on the other, pts in LA, MS and TN. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 145639 (Sub-5-1TA), filed February 11, 1981. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular. *Trailers, and materials, equipment and supplies used in the production and distribution of trailers*, between Sioux City, IA, on the one hand, and, on the other, pts in the U.S., under continuing contract(s) with Wilson Trailer Company of Sioux City, IA. Supporting shipper: Wilson Trailer Company, 4400 South Lewis Boulevard, Sioux City, IA 51106.

MC 146360 (Sub-5-11TA), filed February 11, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 28656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Wood shelving and store fixtures and metal shelving and store fixtures* from Los Angeles, CA; Cambridge City, IN; and South Windsor, CT to points in OK, TX, NM, CO, KS, WY, MT, NE, IA, and points in the Memphis, TN commercial zone. Supporting shipper: Kidde Merchandising Equipment Group, Inc., Suite 405, Max-Ex Building, Oklahoma City, OK 73114.

MC 149026 (Sub-5-25TA), filed February 11, 1981. Applicant: TRANSTATES LINES, INC., 633 Main Street, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. *Metal articles and material, equipment and supplies used in the manufacture, distribution and assembly thereof*; between Aurora, IL; Little Rock, AR; Dallas, TX; and their respective commercial zones, on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: American Material Handling Co., Inc.,

Post Office Box 5801, North Little Rock, AR 72119.

MC 153743 (Sub-5-1TA), filed February 11, 1981. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 U.S. Hwy 90A, Sugar Land, TX 77478. Representative: James R. Skiles (same as above). Contract: irregular; *Liquid corn sweeteners, liquid sugar, and blends of any combination thereof*; Between Arlington and Sugar Land, TX, on the one hand, and, points in AR, LA, NM, and OK, on the other. Supporting shippers: A. E. Staley Manufacturing Company, 2200 E. Eldorado, Decatur, IL 62525. Imperial Sugar Company, P.O. Box 9, Sugar Land, TX 77478.

MC 153837 (Sub-5-1TA), filed February 11, 1981. Applicant: ROTACARRUS CORPORATION, 900 Kindelberger Road, Kansas City, KS 66115. Representative: Patricia F. Scott, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Contract, irregular; *general commodities* (except Class A & B explosives), between points in the U.S. Supporting shippers: 4.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 143154 (Sub-6-5TA), filed February 6, 1981. Applicant: A & S TRUCKING, P.O.B. 20214, Missoula, MT 59806. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Bee hives, such commodities as can be used in the manufacture of bee hives, and boxes, paper, and packaging materials*, between points in the U.S., except AK and HI, for 270 days. Supporting shipper: Western Bee, Inc., P.O.B. 171, Polson, MT, 59860.

MC 153908 (Sub-6-1TA), filed February 5, 1981. Applicant: BILLY M. ELLIOTT and MARJORIE M. ELLIOTT d.b.a. B.E. & M.E. TRUCKING, 2601 Blackstone Ct., Bakersfield, CA 93304. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Asphalt in packages and in bulk in tank vehicles*, from Bakersfield, CA to points in AZ, NV, OR, and UT, for 270 days. Supporting shipper: San Joaquin Refining Co., P.O.B. 5576, Bakersfield, CA 93308.

MC 63562 (Sub-6-14TA), filed February 5, 1981. Applicant: BN TRANSPORT INC., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goetsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *General Commodities (except Classes A and B explosives)* between the facilities

of The Gates Rubber Company at Denver, CO; Iola, KS; Galesburg, IL; Versailles, MO; Charleston, MO; Elizabethtown, KY; Rockford, IL; Pontiac, MI; and Boone, IA, on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: The Gates Ruber Company, 999 South Broadway, Denver, CO 80222.

MC 63562 (Sub-6-15TA), filed February 6, 1981. Applicant: BN TRANSPORT INC., P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goetsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Building materials from Oconomowoc, WI; Detroit, MI; Providence, RI; East Farmingdale, NY; Houma, LA; Sidney, OH; Temple, TX; and Houston, TX; to points in WA, OR, ID, MT, UT, CA, WY, and CO for 270 days.* Supporting shipper: Thomas Architectural Products, Inc., 4000 Aurora Ave. North, Suite 223, Seattle, WA 98103.

MC 153907 (Sub-6-1TA), filed February 5, 1981. Applicant: C.A.M. DISTRIBUTING, 150 S. State, Lindon, UT 84062. Representative: Paul Gottfredson (same as applicant). *Furniture and material, equipment and supplies used in the manufacturing and distribution thereof.* Do not seek to transport commodities in tank vehicles from the facilities in Provo UT to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MO, MT, NE, NV, NM, ND, OH, OK, SD, TX, UT, WI, WY, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Rustic Interiors, 1281 S. Industrial Parkway, Provo, UT 84601.

MC 152238 (Sub-6-3TA), filed February 6, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, Ca. 96038. Representative: John Harleman (same as applicant). *Lumber, lumber mill products, wood products and particleboard*, between points in the U.S. except AK & HI. Supporting shippers: Bendix Forest Products Corp., 2740 Hyde St., San Francisco, CA 94109; Northwest Pine Sales, Inc. P.O. Box 12511, Portland, OR 97212; AMPAC Forest Products, Inc., 7412 S.W. Beaverton Highway, Portland, OR 97225; Pope & Talbot, Inc., 1700 S.W. 4th Ave., Portland, OR 97207.

MC 153938 (Sub-6-2TA), filed February 6, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: Norval Millsap (Same address as applicant). *Contract Carrier, Irregular routes: Petroleum and Petroleum products, in bulk, between*

UT, WY, and CO, for 270 days. Supporting shipper: Husky Oil Company, 600 South Cherry Street, Denver, CO 80222; Phillips Petroleum Company, 7800 E. Dorado Place, Englewood, CO 80111; Morrison Petroleum, P.O. Box 227, Woods Cross, UT 84087; Elgin Petroleum limited, 8117 S. Wabash Court, Englewood, CO 80112.

MC 109689 (Sub-6-11TA), filed February 9, 1981. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. *Liquid polymer plastic material.* In Bulk, from Longview, WA to Murray, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Poly-Drill Products, 6512 S. 400 W., Salt Lake City, UT 84107.

MC 153708 (Sub-6-1TA), filed February 9, 1981. Applicant: NORCO TRANSPORTATION COMPANY, 8401 Gerber Rd, Sacramento CA 95828. Representative: Pete Kieffer (same as applicant). *Liquefied Petroleum Gas*, from all points in CA to ports of entry on the international boundary line between the U.S. and Mexico located in CA—for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CAL-GAS, 8401 Gerber Rd, Sacramento, CA 95828.

MC 142941 (Sub-6-20TA), filed February 5, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: E.W. Scarborough (same as applicant). *Alcoholic beverages* (except in bulk) from points in CA, IL, KY, MI and OH to points in CO for 270 days. Supporting shipper: Foremost McKesson, Inc., One Post St., Crocker Plaza, San Francisco, CA 94105.

MC 126327 (Sub-6-8TA), filed February 5, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Recyclable and waste paper*, (1) from Heyburn, ID, to Stockton, CA, and (2) from Boise, ID, to Portland, OR, for 270 days. An underlying ETA seeks 120-days authority. Supporting shipper: Western Recycling & Wastepaper Co., Inc., 1990 S. Cole Rd., Boise, ID 83709.

MC 144956 (Sub-6-1TA), filed February 5, 1981. Applicant: TRANSMUTUAL TRUCK LINES, LTD., 4427A, 72nd Ave. SE, Calgary, Alberta, Canada T2C 2C1. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Salt, salt products and feed*

ingredients shipped with salt from: Tooele and Grand Counties, UT to points along the international boundary line adjoining British Columbia, Alberta and Saskatchewan for 270 days. Supporting shipper: Utah Salt Company, Inc., 1965 S. Main St., Salt Lake City UT 84115.

MC 138018 (Sub-6-2TA), filed February 6, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same as applicant). *Non-exempt food and kindred products*, from points in FL, to points in CO, ID, MT, NV, OR, UT, WA, and WY, for 270 days. An ETA for 120 days has been applied for. Supporting shipper: There are seven shipper support statements. Their statements may be examined at the Regional Office listed.

MC 58035 (Sub-6-7TA), filed February 6, 1981. Applicant: TRANS-WESTERN EXPRESS, LTD., 5231 Monroe St., Denver, CO 80216. Representative: David E. Driggers, Suite 1600 Lincoln St., Denver, CO 80264. (1) *prefabricated metal buildings and related components, parts, accessories, fixtures, cranes and racks*, from the facilities of American Steel Building Company, Inc. located in Adams County, CO to points in the U.S. and, (2) *such materials, equipment and supplies used in the construction, erection and maintenance of prefabricated metal buildings* from the facilities of American Steel Building Company, Inc. at or near Houston, TX to points in Adams County, CO for 270 days. Supporting shipper: American Steel Building Company, Inc. 20500 East 26th Avenue, Aurora, CO 80011.

MC 140186 (Sub-6-2TA), filed February 5, 1981. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherland, 1150 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036. *Metal buildings*, between points in IA and MN, on the one hand, and, on the other, points in ID, IA, MN, MT, ND, OR, SD and WA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: The Ceco Corporation, 1400 Kensington Rd., Oakbrook, IL 60521.

MC 26396 (Sub-6-80TA), filed February 9, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357 Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Animal and poultry feeds, prepared*, from Muscatine, IA to points in MT, ND, SD and WY, for 270 days. Supporting shipper: Doane Products Company, P.O. Box 879, Joplin, MO 64801.

MC 153480 (Sub-6-1TA), filed February 6, 1981. Applicant: RICHARD P. WARD d.b.a., WARD DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101. *Malt beverages and related advertising materials and empty used beverage containers and materials and supplies* used in and dealt with by breweries from, to, or between the following points: From Memphis, TN to points in CO and from Jefferson County, CO to points in TN, LA, and MI, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): There are five (5) shippers. Their statements may be examined at the Regional Office listed.

MC 151225 (Sub-6-3TA), filed February 5, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718-17th St., Suite 1700, Denver CO 80202. *Perlite Ore*, from No Agua and Socorro, NM to points in all states west of the Mississippi River, for 270 days. Supporting shipper: Grefco, Inc., a wholly owned subsidiary of General Refractories Company, 50 Monument Rd., Bala Cynwyd, PA 19004.

MC 141804 (Sub-6-102TA), filed February 5, 1981. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Electrical items and commodities dealt in and utilized by manufacturers and distributors of electrical items*, between Evansville, IN, Watsonstown, PA, Springfield, MO, Peris, IL, McAllen, TX, Benton Harbour, MI on the one hand, and, on the other, all points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Zenith Radio Corporation, 1900 North Austin Avenue, Chicago, IL 60639.

MC 152250 (Sub-6-2TA), filed February 6, 1981. Applicant: WHITE TRANSPORT, INC., P.O. Box 2063, Sheridan, WY 82801. Representative: Thomas O. White (same as applicant). (1) *Floor Dry, Oil and Grease absorbing granules, in bags* from Taft, CA, to Sheridan, WY, Big Horn County, MT, Campbell County, WY, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): Big C Service & Supply, Inc., P.O. Box 6468, Sheridan, WY 82801.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-5809 Filed 2-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by National Steel Corporation at its Weirton, West Virginia Plant

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 9, 1981, a proposed consent decree in *United States v. National Steel Corporation* (N.D. W. Va., No. 81-00005-W(H)), was lodged with the United States District Court for the Northern District of West Virginia. The proposed consent decree covers National Steel Corporation's integrated steel making plant in Weirton, West Virginia. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National Steel at its plants in Michigan, Illinois, and West Virginia under the Clean Air Act and Clean Water Act. The decree requires National to bring its West Virginia plant into compliance with the requirements for particulate matter and sulfur dioxide of the Clean Air Act and the West Virginia state implementation plan by installation of pollution control equipment at the coke oven batteries, basic oxygen furnaces, blast furnaces, and sinter plant by no later than December 31, 1982, and by shutdown of several coke oven batteries and construction of a new battery. Mass and visible emission limits for particulate matter required under the decree are comparable but not identical to the West Virginia implementation plan requirements and reflect that degree of emission reduction represented by installation of reasonably available control technology ("RACT"), as required by the Clean Air Act. In lieu of payment of civil penalties, National has agreed to the installation of control equipment at this and other plants which exceed the requirements of law.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Northern district of West Virginia, Room 207, Old Post Office Building, 12th and Chapline Streets, Wheeling, West Virginia 26003, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of \$6.00 reflecting a rate

of \$1.10 per page for the 60-page decree and appendices. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. National Steel Corporation* (N.D. W. Va., No. 81-00005-W(H)), D.J.Ref. 90-5-2-1-318

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-5949 Filed 2-20-81; 8:45 am]

BILLING CODE 4410-01-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, March 5, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and meeting will be held at the Regent Hotel/Convention Center Complex, 201 Marquette, N.W., Albuquerque, New Mexico.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral or written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 4th Floor, 1600 Wilson Blvd., Arlington, Virginia 22209 (703/235-2820).

Louis F. Polk,

Chairman, United States Metric Board.

[FR Doc. 81-6007 Filed 2-20-81; 8:45 am]

BILLING CODE 6820-94-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-22)]

NASA Advisory Council (NAC); Meeting Cancellation

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on February 25-27, 1981, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology, published in the Federal Register on February 3, 1981 (46 FR 10570), has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Mr. John F. Ward, National Aeronautics and Space Administration, Code RJA-2, Washington, D.C. 20546 (202/755-2375).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 17, 1981.

[FR Doc. 81-5733 Filed 2-20-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-563, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

(1) Date and time: March 12-13, 1981; 9:00 a.m. to 5:00 p.m.

Room: 911.

Program: This meeting will review applications submitted for the Libraries Humanities Projects Program, Division of Public Programs for projects beginning after January 15, 1981.

(2) Date and time: March 12-13, 1981; 9:00 a.m. to 5:30 p.m.

Room: 1023-25.

Program: This meeting will review applications submitted for Higher Education/Regional and National grants, Division of Education, for projects after July 1, 1981.

(3) Date and time: March 16-17, 1981; 9:00 a.m. to 5:30 p.m.

Room: 1134.

Program: This meeting will review applications submitted for Research Materials Programs; Panel for Research Tools in History, Philosophy, Religion, and Social Science, Division of Research Programs, for projects beginning after June 15, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the

proposed meetings will consider information that is likely to disclose:

- (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and
- (3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9) (B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen H. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-0907 Filed 2-20-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences; Geology, Geophysics, Geochemistry and Petrology Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geology, Geophysics, Geochemistry and Petrology Subcommittees)

Date and Time: March 11, 12 and 13, 1981; 8:30 a.m. to 5:00 p.m. each day

Place: The National Science Foundation, Room 643, 1800 G Street, N.W., Washington, D.C. 20550

Type of Meeting: Closed

Contact Person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357-7958

Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial

data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: 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.

M. Rebecca Winkler,

Committee Management Coordinator.

February 17, 1981.

[FR Doc. 81-5884 Filed 2-20-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee on Special Research Equipment (Biology 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: Advisory Committee on Special Research Equipment (2-year and 4-year colleges) (Biology Subcommittee)

Date/Time: March 16-17, 1981—9:00 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of Meeting: Closed

Contact Person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357-9615

Purpose of Committee: To evaluate research equipment proposals.

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), 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 P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

February 17, 1981.

[FR Doc. 81-5883 Filed 2-20-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Science Education; Postponement of Meeting

The Advisory Committee for Science Education had a meeting scheduled to be held on March 5 and 6, 1981, in Washington, D.C. It is now necessary to postpone this meeting until May. A new notice of meeting will be published in the Federal Register prior to the May meeting.

The notice for the March meeting was published in the Federal Register on Thursday, February 12, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

February 18, 1981.

[FR Doc. 81-5934 Filed 2-20-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Addition to Meeting Agenda

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on February 24-25, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. In addition to discussing matters relating to computer protection and control systems and instrument and control system failures which could initiate or exacerbate reactor accidents, the Subcommittee will also discuss matters relating specifically to the ANO-2 and San Onofre Units 2 and 3 Core Protection Calculator Design and the ANO-2 experience with the Core Protection Calculator.

All other items regarding this meeting remain the same as announced in the Federal Register published Thursday, February 12, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5973 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Generic Items; Meeting

The ACRS Subcommittee on Generic Items will hold a meeting at 1:00 p.m. on March 11, 1981 in Room 1167, 1717 H Street, N.W., Washington, DC. The Subcommittee will compare items in

order to ensure that ACRS generic items are receiving adequate attention by the NRC Staff; examine methods to combine the ACRS list with the NRC's program for dealing with generic items; and consider means for dealing with future generic items given such a merger. Notice of this meeting was published Jan. 23.

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.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-6074 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on NRC Safety Research Program; Meeting

The ACRS Subcommittee on the NRC Safety Research Program will hold a

meeting on March 11, 1981 in Room 1046, 1717 H Street, N.W., Washington, D.C. to discuss the NRC's Draft Long-Range Research Plan (NUREG-0740). Notice of this meeting was published Jan. 23.

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.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding pertinent portions of the NRC Draft Long-Range Research Plan.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3287) between 8:15 a.m. and 5:00 p.m. EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer,

[FR Doc. 81-5990 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on San Onofre Units 2 and 3; Meeting

The ACRS Subcommittee on San Onofre Units 2 and 3 will hold a meeting on March 11, 1981 at 1717 H Street,

N.W., Washington, DC in Room 1046, 2:00 p.m. The Subcommittee will continue its review of the Operating License, concentrating on Three Mile Island Action Plan items.

In accordance with the procedures outlined in the *Federal Register* on October 7, 1980, [45 FR 66535], oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 11, 1981

2:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of Southern California Edison Company, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. David Bessette (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. Gary G. Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this

meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer,

[FR Doc. 81-5994 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittees on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittees on Transportation of Radioactive Materials will meet at 8:30 a.m., March 10, 1981 in Room 1118, 1717 H Street, N.W., Washington, DC. The Subcommittee will review the transportation certification process of the NRC Transportation Certification Branch. Notice of this meeting was published Jan. 23.

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.

The agenda for subject meeting shall be as follows:

Tuesday, March 10, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be

obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5990 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting at 8:30 a.m. on March 10-11, 1981 in room 762, 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of the NRC reevaluation of the radiological source term to be used in accident analyses.

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.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, March 10-11, 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, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to

Mr. Garry G. Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: February 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5981, Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment incorporates changes to the Technical Specifications to accommodate operation with low parasitic fuel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 21, 1980, (2) Amendment No. 66 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,

Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5980 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the reactor vessel surveillance specimen removal program in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 3, 1981, (2) Amendment No. 67 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission,
Washington, D.C. 20555, Attention:
Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day
of February, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-5970 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

**Dairyland Power Coop.; Extension of
Completion Date**

By letter dated February 6, 1981,
Dairyland Power Cooperative (the
licensee) requested that the U.S. Nuclear
Regulatory Commission (the
Commission) grant an extension until
November 1, 1981, for installation of the
automatic water fire suppression system
for protection against fire at the outside
transformers at LaCrosse Boiling Water
Reactor located in Vernon County,
Wisconsin.

The Commission's Director of Nuclear
Reactor Regulation has concluded that
good cause has been shown and that
such postponement will not adversely
effect the health and safety of the
public.

For further details with respect to this
action, see (1) the licensee's request
dated February 6, 1981, and (2) the
Director's letter to the licensee dated
February 13, 1981.

Dated at Bethesda, Maryland, this 13th day
of February, 1981.

For the Nuclear Regulatory Commission,
Edson G. Case,
*Deputy Director Office of Nuclear Reactor
Regulation.*

[FR Doc. 81-5971 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

**Duquesne Light Co., et al; Issuance of
Amendment to Facility Operating
License**

The U.S. Nuclear Regulatory
Commission (the Commission) has
issued Amendment No. 39 to Facility
Operating License No. DPR-66 issued to
Duquesne Light Company, Ohio Edison
Company, and Pennsylvania Power
Company (the licensees), which revised
Technical Specifications for operation of
the Beaver Valley Power Station, Unit
No. 1 (the facility) located in Beaver
County, Pennsylvania. The amendment
is effective as of the date of issuance.

The amendment revises the Technical
Specifications to incorporate TMI-2
lessons Learned Category "A" items.

The application for the amendment
complies with the standards and
requirements of the Atomic Energy Act
of 1954, as amended (the Act), and the
Commission's rules and regulations. The
Commission has made appropriate
findings as required by the Act and the
Commission's rules and regulations in 10
CFR Chapter I, which are set forth in the
license amendment. Prior public notice
of this amendment was not required
since this amendment does not involve a
significant hazards consideration.

The Commission has determined that
the issuance of this amendment will not
result in any significant environmental
impact and that pursuant to 10 CFR
51.5(d)(4) an environmental impact
statement or negative declaration and
environmental impact appraisal need
not be prepared in connection with
issuance of this amendment.

For further details with respect to this
action, see (1) the application for
amendment dated September 17, 1980,
(2) Amendment No. 39 to License No.
DPR-66 and (3) the Commission's
related Safety Evaluation. All of these
items are available for public inspection
at the Commission's Public Document
Room, 1717 H Street, NW., Washington,
D.C. and at the B. F. Jones Memorial
Library, 663 Franklin Avenue, Aliquippa,
Pennsylvania 15001. A copy of items (2)
and (3) may be obtained upon request
addressed to the U.S. Nuclear
Regulatory Commission, Washington,
D.C. 20555, Attention: Director, Division
of Licensing.

Dated at Bethesda, Maryland, this 11th day
of February, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-5972 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL and STN 50-
499 OL]

**Houston Lighting and Power Co., et al.
(South Texas Project, Units 1 and 2);
Prehearing Conference**

February 13, 1981.

Notice is hereby given that, in
accordance with the Licensing Board's
Second Prehearing Conference Order,
dated December 2, 1980, a prehearing
conference will commence at 9:30 a.m.
on Tuesday, March 17, 1981, at the
Townes Hall Auditorium, University of
Texas Law School, 2500 Red River,
Austin, Texas 78705. The conference

will continue at 9:00 a.m. on
Wednesday, March 18, 1981.

The conference will consider various
matters contemplated by 10 CFR 2.752
concerning the quality assurance/
quality control issues which are to be
the subject of an early evidentiary
hearing. Parties who wish to submit a
proposed agenda for the conference,
specifying matters they wish to have
discussed, are invited to do so. Such a
proposed agenda should reach the Board
no later than Friday, March 13, 1981.

In accordance with 10 CFR 2.715(a),
the Board will hear limited appearance
statements at this prehearing
conference. Any person not a party to
the proceeding will be permitted to
make such a statement, either orally or
in writing, setting forth his or her
position on the issues. The number of
persons making oral statements and the
time allotted for each oral statement
may be limited depending on the total
time available at various sessions.
Limited appearance statements will be
heard at the beginning of the session on
Wednesday, March 18, 1981. In addition,
to the extent that time may be available
following the completion of conference
business on March 17, limited
appearance statements will also be
heard at that time. (The Board expects
to hear additional limited appearance
statements at other sessions of the
proceeding.) Persons desiring to make a
limited appearance are requested to
inform the Secretary of the Commission,
U.S. Nuclear Regulatory Commission,
Washington, D.C. 20555, Attention,
Docketing and Service Branch. Written
statements supplementing or in lieu of
oral statements may be of any length
and will be accepted at any session of
the proceeding or may be mailed to the
Secretary of the Commission.

Dated at Bethesda, Maryland this 13th day
of February 1981.

For the Atomic Safety and Licensing Board,
Charles Bechhoefer,
Chairman, Administrative Judge.

[FR Doc. 81-5973 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

**Indiana and Michigan Electric Co.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory
Commission (the Commission) has
issued Amendment No. 43 to Facility
Operating License No. DPR-58, and
Amendment No. 25 to Facility
Operating License No. DPR-74 issued to
Indiana and Michigan Electric Company
(the licensee), which revised Technical

Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revised the set point for the steam generator low-low level settings.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 22, 1980, (2) Amendment Nos. 43 and 25 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of January, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5976 Filed 2-20-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

**Indiana and Michigan Electric Co.;
Issuance of Amendment to Facility
Operating License**

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-58, and

Amendment No. 26 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments revise the Fire Protection Technical Specifications to reflect modifications made to the D. C. Cook Nuclear Plant and to administratively revise the Technical Specification index to add Environmental Qualification.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated December 22, 1978, February 13, 1979 and April 9, 1980, (2) Amendment Nos. 44 and 26 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation dated July 31, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of January 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5977 Filed 2-20-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 316]

**Indiana and Michigan Electric Co.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-74 issued to Indiana Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications of the Moderator Temperature Coefficient.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 22, 1980, (2) Amendment No. 27 to License No. DPR-74 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5978 Filed 2-20-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-219]

**Jersey Central Power & Light Co.;
Extension of Completion Dates**

By letter dated January 29, 1981, Jersey Central Power & Light Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for installation of an alternate water supply tank for the fire protection system at the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated January 29, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission,
Edson G. Case,
Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5079 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; R. E. Ginna Nuclear Power Plant; Extension of Completion Dates

By letter dated January 26, 1981, Rochester Gas and Electric Corporation (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until June 30, 1981, for installation of fourteen plant modifications for the fire protection system at the Ginna Nuclear Power Plant located in Wayne County, New York.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated January 26, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February 1981.

For The Nuclear Regulatory Commission,
Edson G. Case,
Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5093 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

**Southern California Edison Co.;
Extension of Completion Dates**

By letter dated February 10, 1981, Southern California Edison Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until November 17, 1981, for installation of eight plant modifications for the fire protection system at the San Onofre Nuclear Generating Station Unit No. 1 located in San Diego County, California.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 10, 1981, and (2) the Director's letter to the licensee dated February 13, 1981.

Dated at Bethesda, Maryland, this 13th day of February, 1981.

For the Nuclear Regulatory Commission,
Edson G. Case,
Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-5095 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

**Virginia Electric and Power Co.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of the date of issuance.

The amendment revises the time required for the licensee to complete its piping reanalysis for multi-structure Amplified Response Spectra. The date for completion of this reanalysis has been revised from February 21, 1981 to May 22, 1981.

The application for the amendment complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1980, (2) Amendment No. 4 to Facility Operating License No. NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission,
Robert A. Clark,
*Chief Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 81-5097 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280 and 50-281]

**Virginia Electric and Power Co.;
Issuance of Amendments to Facility
Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 64 and 64 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to incorporate a

clarification of the definition of "operable" and adds general Limiting Conditions for Operation with general action statements.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated May 16, 1980, (2) Amendment Nos. 64 and 64 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Chief Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5908 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-280]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-32 issued to Virginia Electric and Power Company, which revised technical Specifications for operation of the Surry Power Station, Unit No. 1 (the facility) located in Surry

County, Virginia. The amendment is effective as of the date of issuance.

The amendment incorporates steam generator inservice inspection requirements and reactor coolant and secondary coolant iodine radioactivity concentration limits into the Technical Specifications and deletes a license condition that previously governed steam generator inspections. This amendment is identical to the one issued for Unit 2 on December 20, 1979 and the Safety Evaluation Report for that amendment applied to Unit 1.

These changes have been made to provide inservice inspection requirements suitable for essentially new steam generators in accordance with Regulatory Guide 1.83. Previous requirements were tailored to deteriorating steam generator tubes which were removed as a part of the steam generator repair program approved on January 19, 1979 and implemented on September 14, 1980.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 30, 1976, as supplemented May 24, 1979, (2) Amendment No. 65 to License No. DPR-32 and (3) the Commission's related Safety Evaluation issued December 20, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 81-5908 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee-Rowe; Notice of Extension of Completion Dates

By letter dated February 11, 1981, Yankee Atomic Electric Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension until April 15, 1981 to complete the installation of fire dampers between the control room and switchgear room and the turbine building, until April 15, 1981 to complete installation of a Halon suppression system in the switchgear room, and until February 18, 1981 to complete the installation of a new fire water storage tank and diesel driven fire pump at the Yankee-Rowe Nuclear Power Station.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the requests have been granted.

For further details with respect to this action, see (1) the licensees requested, dated February 11, 1981, and (2) the Directors letter to the licensee dated this 13th day of February, 1981.

Dated at Bethesda, Maryland this 13th day of February, 1981.

For the Nuclear Regulatory Commission.

Edson G. Case,
Deputy Director, Office of Nuclear Reactor
Regulation.

[FR Doc. 81-6000 Filed 2-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

February 18, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking

OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of

the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

• Forest Service
Nationwide Household Fuelwood Use Survey
Nonrecurring
Individuals or Households
Households Throughout the United States
Conservation and land management;
5,540 responses, 888 hours, \$126,660
Federal cost, 3 forms
Charles A. Ellett, 202-395-7340

P.L. 95- and P.L. 93-378 Require a survey, analysis and projection of requirements for wood resources, including uses for energy, to plan for national renewable resources management. Evaluation of the impact of rapid growth of household wood burning requires nationwide information on fuelwood consumption, consumption determinants, and wood sources.

• Food Safety and Quality Service
Regulations Governing the Inspection of Eggs and Egg Products—
Recordkeeping

On occasion
Businesses or other institutions
Egg products processors, shell egg handlers
SIC: 964 201
Consumer and occupational health and safety; 7,800 responses, 7,800 hours, 1 form

Charles A. Ellett, 202-395-7340

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with the standards, methods, and instructions issued or approved by the administrator of FSQS.

• Food Safety and Quality Service
Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—
Recordkeeping

On occasion
Businesses or Other Institutions
Manufacturers and distributors
SIC: 202 964
Consumer and occupational health and safety; 10,000 responses, 10,000 hours, 1 form

Charles A. Ellett, 202-395-7340

This regulation explains the basis of the inspection or grading service performed in accordance with the provisions of the regulation, the instructions and procedure issued or approved by the administrator, U.S. standards for grades, Federal specifications and other specifications as defined in a specific purchase contract.

• Agricultural Cooperative Service
Marketing Operations of Dairy Cooperatives
Nonrecurring

• Business or other institutions
• Dairy marketing cooperatives
• SIC: 202
• Small businesses or organizations
• Agricultural research and services, 465 responses, 688 hours, \$74,000
Federal cost, 1 form
• Charles A. Ellett, 202-395-7340

Provide data to update information on structure of dairy cooperatives. Estimates are used by officials of dairy cooperatives, dairy industry organizations, researchers, the Congress, and executive branch agencies in analyzing the position of dairy cooperatives in the changing national dairy industry.

Revisions

• Economics and Statistics Service
• Supermarket Labor Cost Survey
• Nonrecurring
• Businesses or other institutions
• Supermarket operators
• SIC: 541
• Small businesses or organizations
• Agricultural research and services 784 responses, 131 hours, \$1,500 Federal cost, 1 form
• Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data on labor costs of supermarkets. Data will be used as one

of the variables in a multivariate analysis to determine whether market power is a significant factor in explaining retail food price differences between firms and cities.

- Food Safety and Quality Service
- Regulations Governing the Inspection of Eggs and Egg Products
- PY-155, PY-222

- On occasion
- Businesses or other institutions
- Egg products processors, shell egg handlers
- SIC: 964 201
- Consumer and occupational health and safety, 56,292 responses, 4,843 hours, \$18,550 Federal cost 2 forms
- Charles A. Ellett, 202-395-7340

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with the standards, methods, and instructions issued or approved by the administrator of FSQS.

- Food Safety and Quality Service
- Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products
- DA-132, DA-125, DA-168, and DA-155
- On occasion
- Businesses or other institutions
- Manufacturers and distributors
- SIC: 202 964
- Consumer and occupational health and safety, 34,308 responses, 5,574 hours, \$20,729 Federal cost 4 forms
- Charles A. Ellett, 202-395-7340

This regulation explains the basis of the inspection or grading service performed in accordance with the provisions of the regulation. The instructions and procedure issued or approved by the Administrator, U.S. Standards for Grades, Federal specifications and other specifications as defined in a specific purchase contract.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

New

- National Oceanic and Atmospheric Administration
- Fishing Vessel and Gear Damage Compensation Fund
- On occasion
- Businesses or other institutions
- Commercial fishermen, primarily fixed-gear fishermen
- SIC: 091
- Small businesses or organizations
- Other advancement and regulation of commerce, 500 responses, 10,000 hours, \$120,500 Federal cost 1 form

- William T. Adams, 202-395-4814

Program provides compensation to U.S. commercial fishermen who suffer fishing gear damages or losses because of foreign or domestic vessels. Information on loss and substantiating documentation are needed to determine eligibility of claims and amounts of awards.

Revisions

- Bureau of the Census
- Methods Development Survey Questionnaires (MDS-2D and 2E) and Methods Development Survey Control Card (MDS-1)
- MDSE-D, MDSE-E, and MDS-1
- Monthly
- Individuals or households
- Households in eight areas
- Other advancement and regulation of commerce, 36,000 responses, 4,680 hours, \$860,000 Federal cost 3 forms
- Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey instrument provides a means of testing various labor force concepts for the purpose of improving the quality and reliability of the employment and unemployment statistics collected in the current population survey.

- Economic and Statistical Analysis Rpts on for PSN's Estb/Acqstn/Prchs of Oprtg Assets of US Bus Entrprs Incl Real Est; by US Psn who Assts/ Intrvns in Acqstn of US Bus Entrprs by or who Entrs into Jnt Vntr W

BE-13 BE-14

On occasion

Farms/businesses or other institutions U.S. bus. enterp. newly acquired or estab. by foreign, etc.

Sic: all

Small businesses or organizations Other advancement and regulation of commerce, 1,000 responses, 2,000 hours, \$70,000 Federal cost, 2 forms Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures information and data on U.S. companies at the time they are established or acquired by foreign persons, and information on the foreign parent. Consists of data on assets and income; property, plant, and equipment; source of funds for financing the investment; and acres of land and mineral rights owned. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the international investment.

Extensions (No Change)

- Economic and Statistical Analysis Transactions of U.S. Banking Branch or Agency With Foreign Parent

BE-606B

Quarterly

Businesses or other institutions Foreign owned U.S. banking branch or agency

Small businesses or organizations Other advancement and regulation of commerce, 600 responses, 600 hours, \$80,000 Federal cost, 1 form Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between foreign persons and incorporated U.S. banks in which they have an equity interest of 10 percent or more. Consists of data on earnings; interest, and fees and royalties paid; and outstanding permanent investment position. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the balance of payments accounts of the United States.

- Economic and Statistical Analysis Industry Classification Questionnaire

BE-607

On occasion

Businesses or other institutions Ea. U.S. affil. newly estab. or acquired by a foreign, etc.

Small businesses or organizations Other advancement and regulation of commerce, 1,600 responses, 800 hours, \$80,000 Federal cost, 1 form Off. of Federal Statistical Policy and Standard, 202-673-7974

Secures data necessary for classifying by industry U.S. business in which a foreign person has an equity interest of 10 percent or more. Authorized by the International Investment Survey Act of 1976 (P.L. 94-472). Required for the preparation of the balance of payments and international investment accounts of the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

Extensions (Burden Change)

- Department of the Air Force Civil Reserve Air Fleet (CRAF) Personnel Security Clearance Report

Semiannually Businesses or other institutions US airline personnel Small businesses or organizations Department of Defense—military, 34 responses, 136 hours, \$2,887 Federal cost, 1 form

Edward C. Springer, 202-395-4814

A list of carrier personnel who possess a security clearance of secret and is the basis for dissemination of classified information on US civil air carrier personnel either participating in CRAF planning or performing airlift

operations in support of DOD requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

• Health Care Financing Administration Respondent's Estimate of Paperwork Burden

HCFA-261

Nonrecurring

Businesses or other institutions Home health agencies, hospitals and skilled nursing fac.

SIC: 805 806 808

Health, 3,100 responses, 1,550 hours, \$1,138 Federal cost, 1 form

Richard Eisinger, 202-395-6880

This form will collect estimates of paperwork burden from those respondents who are affected by HCFA's data collections. Its use will be limited to data collections which have large burden, where the size of the burden is a matter of controversy or is difficult to determine.

• Office of Assistant Secretary for Health

Evaluation of National Health

Promotion Media Campaign

Nonrecurring

Individuals or households/farms/businesses or other institutions Hseholds in 9 target cities and one "control" city, health etc.

SIC: 483

Small businesses or organizations

Health, 1,300 responses, 1,300 hours, \$300,000 Federal cost, 6 forms

Gwendolyn Pla, 202-395-6880

The evaluation of the national health promotion campaign will determine the effectiveness of media messages in increasing public knowledge of the concept of health risks. It will examine information-seeking and risk assessment activities of individuals, as well as community organizing efforts. Findings will be used in future media campaigns.

• Health Resources Administration Application for Cooperative Agreement for Continuation Support of 11 Area Health Education Center (AHEC) Projects

PHS-2499-2

Annually

Businesses or other institutions

Med. and osteopathic sch. prev. funded to plan, develop, etc.

SIC: 822

Health, 11 responses, 330 hours, \$4,250 Federal cost, 1 form

Gwendolyn Pla, 202-395-6880

Eleven AHEC projects funded by contracts and having two-seven years

continuation activity are required by P.L. 95-244, to be funded by cooperative agreements. The application and instruction sheet including annual budget grid provide the program the information necessary to determine the amount of fiscal support to be awarded to the project and the scope of the activity which will be accomplished by the awardee.

Extensions (Burden Change)

• Food and Drug Administration

Registration of Blood and Blood Product Establishment

FD-2830

Annually

Businesses or other institutions

Manufacturers of blood and blood products

Small businesses or organizations

Consumer and occupational health and safety, 3,360 responses, 880 hours,

\$49,241 Federal cost, 1 form

Gwendolyn Pla, 202-395-6880

Provides for the registration of all establishments engaged in the manufacture, preparation, propagation, or processing of blood and blood products as a part of FDA's responsibility to ensure that all marketed drugs are safe and effective.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E.

Larson—202-523-6341.

Revisions

• Employment and Training Administration

National Longitudinal Survey of Work

Experience (Mature Women) 1981

LGT-3103 (Census) LGT-3101 MT-290

(ETA)

Annually

Individuals or households

Men 45-59 in 196

Training and employment, 22,600

responses, 19,360 hours, \$1,600,000

Federal cost, 3 forms

Arnold Strasser, 202-395-6880

The NLS cohorts represent unique data collection efforts they (1) permit longitudinal examination of labor force behavior patterns, which usually can only be analyzed cross-sectionally, (2) provide economic, social, demographic, and environmental data for in-depth analysis of this behavior, and (3) include detailed information about Government employment and training programs necessary for improving these programs and developing new ones.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202-426-1887.

New

• Research and Special Programs Administration

Immediate Telephone Notice of Hazardous Materials Incidents

On occasion

Businesses or other institutions

Carriers of hazardous materials

SIC: multiple

Small businesses or organizations

Other transportation, 3,450 responses, 1,725 hours, \$18,000 Federal cost, 1 form

Terry Grindstaff, 202-395-7340

Immediate telephone notice must be given to the U.S. Department of Transportation on 800-424-8802 by a carrier whenever an incident involving transportation of hazardous materials results in (1) a person being killed, (2) injuries requiring hospitalization, (3) estimated carrier property damage or other exceeds \$50,000, (4) fire breakage, spillage or suspected radioactive contamination in shipment of radioactive materials.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy

Tucker—202-634-2179.

Extensions (Burden Change)

• United States Customs Service

Oath of Master of Vessel in Foreign Trade

CF-1300

On occasion

Businesses or other institutions

Vessel carriers

SIC: 441

Small businesses on organizations

Federal law enforcement activities,

107,970 responses, 3,595 hours,

\$193,747 Federal cost, 1 form

Warren Topelius, 202-395-7340

The master's oath developed by the Intergovernmental Maritime Consultive Organization, replaces the numerous forms previously used by the countries that are signatories to the IMCO Treaty Convention. To allow the master to attest to the truthfulness of a complete manifest by signing a single form.

OFFICE OF MANAGEMENT AND BUDGET

Agency Clearance Officer—Jim J.

Tozzi—202-395-5897.

New

• Summary of Federal Aid Received by Local Governments

Nonrecurring

State or local governments

300 largest cities and counties in terms of Federal aid

Executive direction and management, 0 responses, 0 hours, \$29,036 Federal cost, 1 form

Edward C. Springer, 202-395-4814

Local governments have asked for single, organization-wide audits. This contrasts with grant-by-grant audits of the past. This implies that one Federal agency is responsible for ensuring the audit is done properly. We need the summary financial data to help us make Federal agency assignments that make sense.

• Geographic Distribution of Federal Funds (GDF) User Feedback Annually

Individuals or households/State or local governments/businesses or other ins Govmtl off. and other users or infor. on the distri of Fed.

FU SIC: all

Executive direction and management, 1,000 responses, 83 hours, \$825 Federal cost, 1 form

Edward C. Springer, 202-395-4814

Proposed form will be included in the FY 1980 edition of the GDF report to obtain feedback on overall utility of and suggested improvements to the report. Responses will be used to improve future editions of the report.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Agency Clearance Officer—Wallace Velander—202-755-3122.

Extensions (No Change)

• Employment Inquiry for Job Applicants

NASA 606

On occasion

Businesses or other institutions

Former emplr. of appli. and per. ref. lit on appli.

SIC: all

Small businesses or organizations

Multiple functions, 700 responses, 175 hours, 1 form

Phillip T. Balaza, 202-395-4814

This is an inquiry form used on a continuing basis to obtain information, primarily from former supervisors, about the qualifications and character of applicants selected for appointment with NASA. This form is used to obtain information about applicants for other than scientific positions.

• Qualifications Inquiry Professional and Scientific Positions

NASA 676

On occasion

Businesses or other institutions

Former emplrs. and persnl ref. lited on appli. SF171 forms

Small businesses or organizations

Multiple functions, 400 responses, 80 hours, 1 form

Phillip T. Balaza, 202-395-4814

This is an inquiry form used on a continuing basis to obtain information, principally from former supervisors, about the qualification and character of applicants selected for appointment to scientific positions in NASA.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C.

Whitt—202-389-2146.

Revisions

• Supplemental to Insurance Medical Application 29-352A

On occasion Individuals or households Insured income security for veterans, 5,000 responses, 416 hours, \$10,741 Federal cost, 1 form

Robert Neal, 202-395-6880

The form is used by an applicant to advise the VA that a medical examination is being performed for use on a medical application required to change a plan of insurance, reinstate, add TDIP or replace an expired term policy. When received, the form is diaried for action to be taken on the medical application.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F.

Gilmore—202-566-1164.

Reinstatements

• Affidavit of Individual Surety SF-28

On occasion

Individuals or households

Proposed sureties on performance or payment bonds

Small businesses or organizations

General property and records

management, 250 responses, 125

hours, \$538 Federal cost 1 form

Franklin S. Reeder, 202-395-3785

The SF 28 provides data for the affidavit required of persons being considered for selection as individual sureties (as distinguished from corporate sureties) on bonds executed in connection with Government procurement contracts or contracts for the sale of Government surplus personal property.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Mrs. Katie

Cudmore—202-653-5998.

New

• Readership survey

Biennially

Individuals or households

Present and prosp. sm. bus. owner-mgrs. recev. ma publications

Small businesses or organizations

Other advancement and regulation of commerce, 0 responses, 0 hours,

\$50,000 Federal cost, 1 form

Edward C. Springer, 202-395-4814

No evaluation has ever been contacted concerning the usefulness and applicability of SBA-MA's publications. Purpose of study is to ascertain the usefulness of the MA publications, readability and finally any topical areas requiring more treatment.

• Cosponsored course survey

Nonrecurring

Individuals or households/businesses or other institutions evaluating SBA

cosponsored courses

SIC: multiple

Small businesses or organizations

Other advancement and regulation of

commerce, 800 responses, 400 hours,

\$35,000 Federal cost, 2 forms

Edward C. Springer, 202-395-4814.

The SBA uses over 2000 various organizations in the nationwide delivery of training programs to present and prospective small business owner-managers. As such, it is important to ascertain the level of quality and competence available at these training programs.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-6014 Filed 2-23-81; 8:45 am]

BILLING CODE 3110-01-M

OHIO RIVER BASIN COMMISSION

Green River Basin; Regional Water and Land Resources Plan and Draft Environmental Impact Statement

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has completed the plan for the Green River Basin portion of the Ohio River Basin. The plan is currently being reviewed by the governors of each state, the heads of each department or agency, and interstate agency for which a member of the Commission has been appointed.

Views, comments and recommendations on the plan and draft EIS are requested by May 15, 1981. Copies are available on request from the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

Fred J. Krumholtz,

Chairman.

[FR Doc. 81-5963 Filed 2-19-81; 8:45 am]

BILLING CODE 8410-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 13, 1981.

The above named national securities exchange has filed applications 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 following stocks:

CSX Corporation: Common Stock, \$1 Par Value (File No. 7-5862)

Fairchild Industries, Inc.: Series A Convertible Preferred Stock (No Par Value) (File No. 7-5863)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 9, 1981 written data, views and arguments concerning the above-referenced applications. 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 applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are 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. 81-5936 Filed 2-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17551; SR-NYSE-80-42]

New York Stock Exchange, Inc.; Proposed Rule Change

February 17, 1981.

On December 15, 1980, the New York Stock Exchange, Inc. 11 Wall Street, New York, New York 10005 ("NYSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would provide that no NYSE specialist should be in a control relationship with respect to any

company in whose stock he is registered as a specialist and further that any NYSE specialist should avoid acquiring more than 5 percent of any stock in which he is registered as a specialist.¹ These provisions apply whether the specialist holds the securities for investment, trading, or any other purpose.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17431, January 9, 1981) and by publication in the *Federal Register* (46 FR 4014, January 16, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-5932 Filed 2-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17550; SR-NYSE-80-45]

New York Stock Exchange, Inc., Proposed Rule Change

February 17, 1981.

On December 8, 1980, the New York Stock Exchange, Inc. Eleven Wall Street, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends its Rule 91 to exempt transactions involving DOT² orders from the requirement that a specialist must confirm with the

¹ Portions of this rule filing have been part of the NYSE's rules (Rule 460.10) since July 1978 but there is a question whether the language was duly approved by the NYSE Board of Directors ("Board"). To eliminate this problem the NYSE Board formally approved the subject language at its meeting on September 4, 1980.

² DOT is the Designated Order Turnaround System which electronically delivers directly to the trading post for a stock, orders transmitted to the Exchange by member organizations subscribing to the service. DOT presently handles market orders up to 299 shares and day limit orders up to 500 shares.

member on the floor each transaction in which the specialist takes or supplies securities named in an order that he holds as agent for the member. The present confirmation procedure will be replaced by an exception-type process which would give the member the right to reject any DOT trade by notifying the specialist in writing promptly after the member organization has received a report on the transaction. Orders not submitted through the DOT system will continue to be subject to the present written confirmation procedure.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17414, (January 5, 1981), SEC Docket Vol 21, p. 1250 (January 9, 1981) and by publication in the *Federal Register* 46 FR 2449 (January 9, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-5933 Filed 2-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17435; File No. SR-PHLX 80-28]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change by Self- Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on December 23, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule

The Philadelphia Stock Exchange, Inc., (PHLX) proposes an amendment to its listing fee schedule for equity securities listed on the Exchange. The annual maintenance fee for stocks and

warrants is increased to \$1,000 from \$750 for one issue; and to \$250 from \$100 for each additional issue. No other changes have been made in the listing fee schedule.

Purpose of the change is partially to offset rising administrative costs by an increase in a fixed charge. The new level of the fee is within the range of charges made by comparable exchanges for similar services.

The listing fee change is consistent with equitable allocation of reasonable dues, fees and charges among members, issuers and other persons using the facilities of the Exchange, as contemplated by Section 5(b)(4) of the Act.

No comments have been received from members or issuers on the proposed rule change.

No burden on competition will be imposed by the proposed amendment.

On or before March 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 16, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

January 9, 1981.

[FR Doc. 81-5635 Filed 2-29-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-0280]

Central Valley Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Central Valley Capital Corporation, 1265 West Shaw Avenue, Suite 102, Fresno, California 93711, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name, Title and Ownership

Bernard J. Zaharen 1265 W. Shaw, Suite 102, Fresno, CA 93711; President, General Manager, Director—1
William M. Lyles, 1210 W. Olive, Fresno, CA 93728; Chairman of the Board—2
Paul E. W. Read, 1210 W. Olive, Fresno, CA 93728; Secretary, Chief, Financial Officer, Director—2
Gerald V. Lyles, 1210 W. Olive, Fresno, CA 93728; Director—2
Hugo A. Barbian, 1265 W. Shaw, Suite 102, Fresno, CA 93711; Director
Bernard J. Zaharen, Inc., 1265 W. Shaw, Suite 102, Fresno, CA 93711; 10 percent
W. M. Lyles Co., 1210 W. Olive, Fresno, CA 93728; 90 percent

1. Ownership through Bernard J. Zaharen, Inc., all of the stock of which is owned by Bernard J. Zaharen.

2. Ownership through W. M. Lyles Co. The Applicant which is a California Corporation, proposes to commence operations with private capital of \$500,000 and intends to conduct its operations principally in the State of California and primarily in the San Joaquin Valley.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than March 11, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Fresno, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for
Investment.

[FR Doc. 81-6040 Filed 2-23-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0230]

Utica Investment Corp.; Issuance of License To Operate as a Small Business Investment Company

On February 11, 1980, a notice was published in the Federal Register (45 FR 9147), stating that an application had been filed by Utica Investment Corporation, Suite 418, 1924 South Utica Avenue, Tulsa, Oklahoma 74104, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business February 26, 1980, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0230, on February 3, 1981, to Utica Investment Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for
Investment.

[FR Doc. 81-6039 Filed 2-23-81; 8:45 a.m.]

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR § 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money

pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR § 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 181), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective March 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR § 107.301(c) is 13.775% per annum.

Dated: February 18, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-6034 Filed 2-23-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Avco Lycoming ALF 502R-3 Turbofan Engine Certification and Availability of Documents

Based on a review of the entire certification process, the Director of FAA New England Region approved issuance of the ALF 502R-3 Type Certificate as recommended by New England Region Staff. Type Certification E6NE for the ALF 502 series engines has been amended to include approval of the ALF 502R-3.

A copy of the "Decision Basis for Type Certification of the Avco Lycoming ALF 502R-3 Turbofan Engine" is on file in the FAA Rules Docket. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Avco Lycoming was required to demonstrate compliance with the applicable Federal Aviation Regulations.

The text of "Decision Basis" includes delineation of the specific legal compliance required by each rule, a summary of the method by which compliance was established for each, and a bibliography of the reports documenting compliance.

Detailed appendices and attachments include: (1) Minutes of Type Certification Board Meetings and (2) Type Certificate E6NE and the Type Certificate Data Sheet. The report is available for examination and copying at the Rules Docket, Office of the Regional

Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts on February 10, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-5870 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Lincoln County, Montana, Highway Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Lincoln County, Montana.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf or Mr. E. C. Samuelson (303-234-4798).

SUPPLEMENTARY INFORMATION: The Montana Forest Highway Program agencies (FHWA—lead agency, U.S. Forest Service, Montana Department of Highways) and Lincoln County are proposing to improve approximately 17 miles of the Yaak River Road (Forest Highway 62 and Lincoln County Route 508) from the end of previous improvements at the Sylvanite Ranger station to the junction of the Pipe Creek Road (Lincoln County Route 506) at the community of Yaak. The project area crosses both Kootenai National Forest and private lands. The proposed action generally would follow the alignment of the existing 18- to 20-foot surfaced road and would entail regrading, widening, paving, and drainage features to improve capacity and safety features of the existing road. The existing road parallels the Yaak River; road improvement would generally be on the side away from the river except in areas where the river is well-removed from the road. In a few areas, road improvement may encroach on the 100-year flood plain and river-influenced wetlands requiring some special design features or other mitigation measures to avoid or reduce encroachment. The proposed project would also cross seven tributary creeks of the Yaak River.

Alternatives currently being considered for this proposed action include:

No-action, maintain the existing road with no structural or geometric improvement;

Reconstruct and widen the existing road with minor realignments on most curves for safety improvement. This alternative would provide two 12-foot paved travel lanes, two 2-foot paved shoulders, a 12-foot ditch, and variable width/slope backslopes.

Provide other transportation modes to serve the transportation needs in this corridor.

The scoping process for this proposed action was begun in the fall of 1980 with an interagency meeting and field review. Letters of intent describing the proposed project and soliciting comments were sent to numerous federal, state, and local agencies and interested individuals and groups in January, 1981. A public meeting will also be held, probably in the spring of 1981, to obtain public input. Additional interagency or public meetings may be held if significant concerns are raised during the location/environmental analysis process. FHWA and the program agencies are presently conducting environmental assessments and engineering studies for the project which will be documented in a Draft Environmental Impact Statement likely to be issued in the fall of 1981. A corridor/design public hearing(s) will be held before the Forest Highway Program agencies make a final decision on implementing the project. Questions or comments concerning the proposed project can be addressed to the individuals noted above.

Issued on: February 12, 1981.

Jerry L. Budwig,

Division Engineer, Central Direct Federal Division.

[FR Doc. 81-5786 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

List of Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions

from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes March 10, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
2000-X	Union Carbide Corporation, Linda Division, Tarrytown, NY.	2000
3353-X	Kem-McGee Chemical Corp., Oklahoma City, Ok.	3353
3496-X	U.S. Department of Defense/MTMC, Washington, DC (See Footnote 1).	3496
4338-X	Stauffer Chemical Company, Westport, CT (See Footnote 2).	4338
4575-X	ICI Americas, Inc., Wilmington, DE	4575
4575-X	Union Carbide Corporation, New York, NY.	4575
4845-X	Graviner Limited, Slough, England	4845
4932-X	Federal Laboratories, Inc., Saltburg, PA.	4932
5038-X	Airco Industrial Gases, Murray Hill, NJ.	5038
5413-X	Publicker Industries, Incorporated, Philadelphia, PA.	5413
6007-X	Nuclear Products Co., El Monte, CA.	6007
6007-X	Falcon Safety Products, Inc., Mountainside, NJ.	6007
6007-X	Pennwalt Corporation, Philadelphia, PA.	6007
6016-X	Welding & Cutting Supply Co., Cleveland, OH.	6016
6218-X	Liquid Carbonic Corporation, Chicago, IL.	6218

Application No.	Applicant	Renewal of exemption
6253-X	Atlantic Cargo Services, Gothenberg, Sweden.	6253
6296-X	American Cyanamid Company, Wayne, NJ.	6296
6296-X	Platte Chemical Company, Fremont, NV.	6296
6296-X	Olin Chemicals Groups, Stamford, CT.	6296
6443-X	Montana Sulphur & Chemical Co., Billings, MT.	6443
6543-X	Aicro, Incorporated, Murray Hill, NJ.	6543
6564-X	Castle & Cooke, Inc., San Francisco, CA.	6564
6583-X	Phillips Petroleum Company, Bartlesville, OK.	6583
6762-X	DuBois Chemical Company, Cincinnati, OH.	6762
6774-X	Hydraulic Research Textron, APCO Products, Pacoima, CA.	6774
6874-X	ICI Americas Inc., Wilmington, DE (See Footnote 3).	6874
6958-X	Great Lakes Chemical Corporation, El Dorado, AR.	6958
7005-X	Logemafer, S.A., Paris, France	7005
7052-X	Industrial Solid State Controls, Inc., York, PA.	7052
7071-X	Philp A. Hunt Chemical Corporation, Palisades Park, NJ (See Footnote 4).	7071
7076-X	LaMotte Chemical Products Company, Chestertown, MD.	7076
7252-X	E. I. du Pont de Nemours & Company, Incorporated, Wilmington, DE.	7252
7268-X	Union Carbide Corporation, Linda Division, Tarrytown, NY.	7268
7503-X	Lowaco, S.A., Geneva, Switzerland	7503
7731-X	Minnesota Valley Engineering (MVE), New Prague, MN (See Footnote 5).	7731
7823-X	Air Products and Chemicals, Inc., Allentown, PA.	7823
7942-X	Chevron Chemical Company, San Francisco, CA.	7942
7983-X	Tankargo Container Leasing, Geneva, Switzerland.	7983
8047-X	Tankargo Container Leasing S.A., Geneva, Switzerland.	8047
8047-X	Hugonnet, S.A., Paris, France	8047
8047-X	Eurotainer, Paris, France	8047
8080-X	Diamond Shamrock Corporation, Dallas, TX.	8080
8086-X	Boeing Aerospace Company, Seattle, WA.	8086
8086-X	U.S. Department of Defense, Washington, DC.	8086
8087-X	Union Carbide Corporation, New York, NY.	8087
8099-X	Union Carbide Corporation, New York, NY (See Footnote 6).	8099
8115-X	Azure Corporation, Mountain View, CA.	8115
8144-X	Atlas Powder Company, Dallas, TX	8144
8163-X	Fauvel-Girel, Paris, France	8163
8163-X	Transport International Containers, Paris, France.	8163
8184-X	International Minerals and Chemicals Corporation, Allentown, PA.	8184
8308-X	New England Nuclear Corporation, Boston, MA.	8308
8308-X	Associated Couriers, Inc., Maryland Heights, MO.	8308
8388-X	B. W. Norton Manufacturing Company, Oakland, CA (See Footnote 7).	8388
8431-X	Dow Chemical Company, Midland, MI (See Footnote 8).	8431
8468-X	Hedwin Corporation, Baltimore, MD (See Footnote 9).	8468
8499-X	Hedwin Corporation, Baltimore, MD (See Footnote 10).	8499

¹ To reinstate and expand provisions for shipment of military combat vehicles and accessory weapons on open top rail cars in motor vehicles; and to accommodate stowage aboard vessel.

² To renew and to provide shipment of tetrabutylvanadate, classed as a flammable liquid, in DOT Specification 51 portable tanks.

³ To renew and to authorize rail as an additional mode of transportation.

⁴ To authorize cargo-only aircraft as an additional mode of transportation.

⁵ To authorize an additional portable tank model identical to the one presently authorized but built to a design pressure of 90 psi rather than 63 psi.

⁶ To renew and to include carbamate pesticides, solid, n.o.s., as a proper shipping name.

⁷ To amend by providing for a three and a half gallon polyethylene pail.

⁸ To authorize shipment of a mixture of 80% monochloroacetic acid and 20% methanol.

⁹ To authorize liquid organic peroxides classed as organic peroxide and those classed as flammable liquids as additional commodities.

¹⁰ To authorize liquid organic peroxides classed as organic peroxide and those classed as flammable liquids as additional commodities.

Application No.	Applicant	Parties to exemption
4453-P	Margal Explosives, Inc., Rancho Cordova, CA.	4453
6218-P	MG Burdett Gas Company, Inc., Norristown, PA.	6218
6432-P	MG Burdett Gas Products Company, Inc., Norristown, PA.	6432
6694-P	Eurotainer, Paris, France	6694
6695-P	Eurotainer, Paris, France	6695
6824-P	Aistar Company, Saugus, CA	6824
6824-P	Hesa Chemicals, Inc., Saugus, CA.	6824
6824-P	All Pure Chemical Company, Inc., Tracy, CA.	6824
6932-P	Eurotainer, Paris, France	6932
7052-P	United Space Boosters, Incorporated, Huntsville, AL.	7052
7052-P	Sparton Corporation, Jackson, MI.	7052
7060-P	Aerotransit, Incorporated, Danvers, MA.	7060
7060-P	Alpha Airlines, Incorporated, New Castle, DE.	7060
7576-P	Compagnie des Containers Reservoirs, Paris, France.	7576
7671-P	Logemafer, Paris, France	7671
7770-P	Eurotainer, Paris, France	7770
7770-P	Logemafer, Paris, France	7770
7838-P	Logemafer, Paris, France	7838
8002-P	Logemafer, S.A., Paris, France	8002
8116-P	New York State Department of Health, Albany, NY (See Footnote 1).	8116
8217-P	Compagnie des Containers Reservoirs, Paris, France.	8217
8228-P	U.S. Department of Justice, Washington, DC.	8228
8323-P	Contrans, Hamburg, West Germany	8323
8376-P	Compagnie General Maritime, Paris, France.	8376
8434-P	Elkem Metals Company, Pittsburgh, PA.	8434
8523-P	Dehon Services, Paris, France	8523
8544-P	Compagnie des Containers Reservoirs, Paris, France.	8544

¹ To request party status and to add hexane as an additional commodity.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-5717 Filed 2-20-81; 8-45 am]

BILLING CODE 4910-80-M

List of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has

received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail Freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes March 25, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.
FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8560-N	The Norac Co., Inc., Azusa, CA	49 CFR 173.157(a)(4)	To authorize shipment of benzoyl peroxide 40 pct. slurry in water in a DOT Specification 21C fiber drum without the inside plastic bag. (Mode 1.)
8561-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification stainless steel cylinders similar to a DOT Specification 3HT, except for girth weld, type of steel, and other variations, for shipment of oxygen. (Modes 1, 2, 4.)
8562-N	Garrett Turbine Engine Co., Phoenix, AZ	49 CFR 173.302, 175.3	To manufacture, mark and sell toroidal pressure vessels similar to DOT Specification 39 for shipment of helium. (Modes 1, 4.)
8563-N	Ashland Chemical Co., Columbus, OH	49 CFR 173.266, 177.848	To authorize shipment of a hydrogen peroxide solution, classed as an oxidizer, and acetic acid, classed as a corrosive liquid, in a compartmented DOT Specification 307 cargo tank. (Mode 1.)
8564-N	Altus Corp., San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithium/thionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-N	Olin Corp., Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as an oxidizer, in fiber drums identical to DOT Specification 21C except for use of a polyester film on the aluminum foil liner. (Modes 1, 2, 3.)
8566-N	Alpha Chemical Co., Lake Charles, LA	49 CFR 173.119, 173.125, 173.245, 173.263, 46 CFR 64.9	To authorize shipment of various flammable, corrosive and combustible liquids in lined marine portable tanks. (Modes 1, 3.)
8567-N	Georgia Equipment Manufacturing Co., Newnan, GA	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.342-5, 178.343-5	To authorize shipment of flammable or corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312/307 except for bottom outlet valve variations and rear head dump features. (Mode 1.)
8568-N	Lely Tractor, Inc., Temple, TX	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.342-5, 178.343-5	To authorize shipment of flammable or corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312/307 except for bottom outlet valve variations. (Mode 1.)
8569-N	General Dynamics Corp., Fort Worth, TX	49 CFR 172.101(b)(6), 173.276, 175.3	To authorize shipment of 6.6 gallons of hydrazine, aqueous solution in non-DOT specification, specially designed, military packaging. (Modes 1, 3, 4.)
8570-N	Snyder Industries, Inc., Lincoln, NE	49 CFR 172.173 Subpart F	To manufacture, mark and sell a rotationally molded, cross-linked polyethylene portable tank for shipment of those corrosive liquids presently authorized in a DOT Specification 34, and hydrogen peroxide solution, classed as an oxidizer. (Modes 1, 2.)
8571-N	MCB Manufacturing Chemists, Inc., Norwood, OH	49 CFR 173.119(a)(b)	To authorize shipment of various flammable liquids packaged in a DOT Specification 12A fiberboard carton with two inside metal containers not over 10 liters capacity each. (Mode 1.)
8572-N	Wayland Explosives and Supply, Inc., Jacksboro, TN	49 CFR 172.101, 172.300, 172.304, 172.400, 172.411(c)(d), 173.114(a)	To authorize shipment of a limited number of packages of nitrocarbontriate, after December 31, 1980, bearing the oxidizer label. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on February 10, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-5718 Filed 2-20-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY
Office of the Secretary
[Department Circular Public Debt Series No. 5-81]

Treasury Notes of February 28, 1983, Series N-1983; Invitation for Tenders

1. Invitation for Tenders

February 18, 1981.

1.1. The Secretary of the Treasury.

under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$4,750,000,000 of United States securities, designated Treasury Notes of February 28, 1983, Series N-1983 (CUSIP No. 912827 LP 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each

accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts

of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 2, 1981, and will bear interest from that date, payable on a semiannual basis on August 31, 1981, and each subsequent 6 months on February 28 and August 31 until the principal becomes payable. They will mature February 28, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 24, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 23, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks, and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily-collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive

tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price of over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5, must be made or completed on or before Monday, March 2, 1981. Payment in full must accompany tenders

submitted by all other investors.

Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, February 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered

in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 81-6094 Filed 2-19-81; 2:18 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 35

Monday, February 23, 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).

Dated: February 18, 1981.

Bruce D. Bolander,
Secretary of the Board.

[S-286-81 Filed 2-19-81; 1:37 pm]

BILLING CODE 4810-27-M

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1

CHRYSLER CORPORATION LOAN GUARANTEE BOARD.

TIME AND DATE: 8 a.m., February 27, 1981.

PLACE: Room 4121, Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE DISCUSSED: The Board will consider requests by Chrysler Corporation for Board consent and approval in connection with various actions proposed to be taken by Chrysler, including various contracts subject to subsection 11(c) of the Chrysler Corporation Loan Guarantee Act of 1979. The Board will also approve minutes of prior closed meetings.

The Board will also consider Chrysler Corporation's request for an additional \$400 million of Federal guarantees. The Board expects that it will be able to affirm its January 19, 1981 determination that Chrysler has met the conditions of the Chrysler Corporation Loan Guarantee Act of 1979 and grant final approval to Chrysler's request and authorize the issuance of the guarantees.

CONTACT PERSON FOR MORE

INFORMATION: Bruce D. Bolander, Secretary of the Board (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

2

CHRYSLER CORPORATION LOAN GUARANTEE BOARD.

The Chrysler Corporation Loan Guarantee Board will hold a meeting closed to the public on February 27, 1981 at 8:00 a.m., in Room 4121, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The Board will consider Chrysler Corporation's request for an additional \$400 million of Federal guarantees. The Board expects to be able to affirm its determination of January 19, 1981, that Chrysler has met the conditions of the Chrysler Corporation Loan Guarantee Act of 1979 and to grant final approval to Chrysler's request and authorize the issuance of the guarantees.

The Board will also consider Chrysler requests for Board consent and approval in connection with various actions proposed to be taken with Chrysler, including review of contracts subject to Board review under subsection 11(c) of the Chrysler Corporation Loan Guarantee Act of 1979. The Board will also approve minutes of prior closed meetings.

Discussions of all of these matters will be closed to the public pursuant to applicable exemptions under the Government in the Sunshine Act. Opening to the public these discussions is likely to disclose privileged and confidential commercial and financial information obtained from Chrysler Corporation, which is exempt under 5 U.S.C. § 552b(c)(4), and information the premature disclosure of which is likely to significantly frustrate implementation of proposed Board action, which is exempt under 5 U.S.C. § 552b(c)(9)(B).

The meeting was closed pursuant to a vote of Paul A. Volcker, Chairman of the Board of Governors of the Federal Reserve System, and Acting Comptroller General Milton Socolar, taken on February 18, 1981. Secretary of the Treasury Donald T. Regan, Chairperson of the Board, was detained by other business and did not participate in the decision to close the meeting.

Those persons expected to attend the meeting, or portions thereof, include the Board members, the Executive Director, General Counsel, and Secretary of the Board, and members of the respective staffs of each Board member.

Those persons desiring further information should contact Bruce D. Bolander, Secretary of the Board, at (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: February 18, 1981.

Bruce D. Bolander,
Secretary of the Board.

[S-287-81 Filed 2-19-81; 1:37 pm]

BILLING CODE 4810-27-M

3

[M-307 Amdt 2, Feb. 18, 1981]

CIVIL AERONAUTICS BOARD.

Addition of Item.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4a *Chicago/Texas/Southeast-Western Mexico Route Proceeding*, Docket 34136.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4a is being added to the February 19th agenda so that a decision in this proceeding for gateways other than Chicago may be made prior to the oral argument on Chicago proposals, which is scheduled for February 25, 1981. Staff work could not be completed earlier, therefore, agency business requires that item 4a be added to the February 19th agenda on less than seven days notice and that no earlier announcement of this addition was possible.

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-286-81 Filed 2-19-81; 3:56 pm]

BILLING CODE 6320-01-M

4

[M-307 Amdt. 1, Feb. 17, 1981]

CIVIL AERONAUTICS BOARD.

Addition of Item

TIME AND DATE: 9:30 a.m., February 19, 1981.**PLACE:** Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.**SUBJECT:** 8a. Docket 38818, Proposals to Provide Essential Air Transportation at Montpelier/Barre, Vermont: Request for Instructions. (Memo 304, BDA)**STATUS:** Open.**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-261-81 Filed 2-18-81; 403 pm]

BILLING CODE 8320-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

February 18, 1981.

TIME AND DATE: 10 a.m., February 25, 1981.**PLACE:** Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.**STATUS:** Open.**MATTERS TO BE CONSIDERED:** Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—481st Meeting, February 25, 1981, Regular Meeting (10 a.m.)

- CAP-1. Project No. 3018, Messrs. Thomas M. McMaster and Robert L. Schroder; Project No. 3229, Puget Sound Power & Light Co.
 CAP-2. Project No. 618, Alabama Power Co.
 CAP-3. Project No. 233, Pacific Gas & Electric Co.
 CAP-4. Project No. 2197, Yadkin, Inc.
 CAP-5. Docket No. ER81-84-001, Alabama Power Co.
 CAP-6. Docket No. ER194-000, Mississippi Power Co.
 CAP-7. Docket No. ER80-793-001, Kansas Gas & Electric Co.
 CAP-8. Docket No. ER76-320, Connecticut Light & Power Co.
 CAP-9. Docket Nos. ER81-70-000 and ER81-71-000, New England Power Co.
 CAP-10. Docket No. ER81-121-000, Virginia Electric & Power Co.
 CAP-11. Docket No. ER81-130-000, Appalachian Power Co.
 CAP-12. Docket No. ER77-578, Kansas Gas & Electric Co.

- CAP-13. Docket No. ER78-517, The Connecticut Light & Power Co.
 CAP-14. Docket Nos. ER76-304, ER76-317 and ER76-498, New England Power Co.
 CAP-15. Docket Nos. ER77-485 and ER77-551, Carolina Power & Light Co., North Carolina Electric Membership Corp. and four county Electric Membership, Corp., Docket No. E-9606, Electricities, of North Carolina and Cities of Bennettsville and Camden, South Carolina.
 CAP-16. Docket No. ES81-8-000, Pacific Power & Light Co.
 CAP-17. Docket Nos. E-9469, ER76-377 and ER78-355, Lockhart Power Co.

Miscellaneous Agenda—481st Meeting, February 25, 1981, Regular Meeting

- CAM-1. Docket No. QF81-6-000, Cannery Steam Co.
 CAM-2. Docket No. RM80-65, final rule governing exemption from all or part of part I of the Federal Power Act of Small Hydroelectric Projects with an installed capacity of 5 megawatts or less.
 CAM-3. Docket No. RM80-78, delegation of authority under section 206(d) of the Natural Gas Policy Act of 1978 to the Director, Office of Pipeline and Producer Regulation, to grant exemptions from incremental pricing.
 CAM-4. Docket No. RM80-56, revision of form No. 2, annual report for natural gas companies (class A and class B).

Gas Agenda—481st Meeting, February 25, 1981, Regular Meeting

- CAG-1. Docket No. TA81-1-29-002 (PGA81-1), Transcontinental Gas Pipe Line Corp.
 CAG-2. Docket No. TA81-1-21-001 (PGA81-1) IPR81-1, LFUT81-1, TT81-1 and AP81-1), Columbia Gas Transmission Corp.
 CAG-3. Docket No. TA81-1-22-002 (PGA81-1, IPR81-1, LFUT81-1, RD&D81-1, TT81-1 and AP81-1), Consolidated Gas Supply Corp.
 CAG-4. Docket No. TA81-1-30-001 (PGA81-1, LFUT81-1, IPR81-1 and TT81-1), Trunkline Gas Co.
 CAG-5. Docket No. RP81-34-000, Distrigas of Massachusetts Corp.
 CAG-6. Docket No. TA81-1-25-00 (PGA81-1, IPR81-1, AP81-1, TT81-1 and LFUT81-1, Mississippi River Transmission Corp.
 CAG-7. Docket No. RP79-59, Colorado Interstate Gas Co.
 CAG-8. Docket No. RP79-75, Gas Research Institute
 CAG-9. Docket No. CS80-198, Colorado Gas Gathering Co., Inc.; Docket No. CI78-154, Monsanto Co.; Docket No. CI78-683, Marathon Oil Co.; Docket No. CS71-659, the Kilroy Co., a partnership and W. S. Kilroy, et al.; Docket No. CI77-528, Exxon Corp.; Docket No. CI81-71-000, Natreco Inc.; Docket No. CI81-72-000, the Superior Oil Co.; Docket No. CI81-51-000, Arco Oil & Gas Co., a division of Atlantic Richfield Co.; Docket Nos. CI81-50-000, CI81-53-000, CI81-54-000, CI81-55-000, CI81-56-000, CI81-61-000 and CI81-29-000, General American Oil Co. of Texas; Docket No. CI81-70-000, Mobil Oil Exploration & Producing Southeast, Inc.; Docket No. CI78-758, Exxon Corp.; Docket No. CI75-504, Helmerich & Payne, Inc., et al., FERC gas

- rate schedule Nos. 10, 187, 218, 235 and 548, Exxon Corp.
 CAG-10. Docket No. CP80-446, Natural Gas Pipeline Co. of America
 CAG-11. Docket No. CP80-373, Tennessee Gas Pipeline Co., a division of Tenneco Inc. and Transcontinental Gas Pipeline Corp.
 CAG-12. Docket No. CP80-569, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
 CAG-13. Docket No. CP80-301, Colorado Interstate Gas Co.
 CAG-14. Docket No. CP80-51, Northern Natural Gas Co., Division of Internorth, Inc.; Docket No. CP81-117-000, Valero Transmission Co.
 CAG-15. Docket No. CP80-437, Colorado Interstate Gas Co.
 CAG-16. Docket Nos. CP80-461 and CP80-462, United Gas Pipe Line Co.
 CAG-17. Docket No. CP79-349, Lone Star Gas Co., a division of Enserch Corp.
 CAG-18. Docket No. CP81-59-000, Columbia Gas Transmission Corp.
 CAG-19. Docket No. CP80-448, Trunkline Gas Co.
 CAG-20. Docket No. CP79-279 (phase I), Texas Eastern Transmission Corp.
 CAG-21. Docket Nos. CP66-121, CP66-110, CP79-161, CP66-121-007, CP66-110-016 and CP79-161-003, Midwestern Gas Transmission Co.

Gas Agenda—481st Meeting, February 25, 1981, Regular Meeting**I. Pipeline Rate Matters**

- RP-1. Docket No. RP72-133 (PGA75-1, et al.), United Gas Pipe Line Co.
 RP-2. Docket No. RP78-78, Natural Gas Pipeline Co. of America.
 RP-3. Docket Nos. IS80-76 and IS80-47, et al., Buckeye Pipe Line Co.

II. Producer Matters

CI-1. Reserved.

III. Pipeline Certificate Matters

- CP-1. Docket No. CP80-274, Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc.; Docket No. CP80-275, Mountain Fuel Supply Co. and Wexpro Co.; Docket No. CI80-233, Celsius Energy Co.; Docket No. CP78-397, Mountain Fuel Supply Co.
 CP-2. Docket No. CP80-306, Western Gas Interstate Co.
 CP-3. Docket Nos. CP75-140, et al., Pacific Alaska LNG Co., et al.; Docket Nos. CP74-160, et al., Pacific Indonesia LNG Co., et al.; Docket No. CI78-453, Pacific Lighting Gas Development Co.; Docket No. CI78-452, Pacific Simpcos Partnership.

Power Agenda—481st Meeting, February 25, 1981, Regular Meeting**I. Licensed Project Matters**

- P-1. Project No. 2545 (phase II), Washington Water Power Co.

II. Electric Rate Matters

- ER-1. Docket Nos. ER80-785 and ER81-3-000, Appalachian Power Co. and Carolina Power & Light Co.
 ER-2. Docket No. ER81-179-000, Arizona Public Service Co.
 ER-3. Docket No. ER77-614, Union Electric Co.

ER-4. Docket No. EL81-5-000, Edison Electric Institute.

Miscellaneous Agenda—481st Meeting, February 25, 1981, Regular Meeting

- M-1. (A) Docket No. RM81-2, small power production & cogeneration facilities; (B) Docket No. QF81-7-000, Occidental Geothermal, Inc.
- M-2. Docket No. RM81- , revision of requirements for issuance of securities or the assumption of liability.
- M-3. Reserved.
- M-4. Reserved.
- M-5. Docket No. RM78-22, revision of FERC rules of practice and procedure (part 7), procedures to expedite trial-type hearings.
- M-6. Docket No. RM79-21, regulations implementing alternative fuel price ceilings for incremental pricing under the Natural Gas Policy Act of 1978.
- M-7. Docket No. GP81-1-000, Kansas Corp. Commission, section 108 NGPA determination, Braden-Deem, Inc., Robbins Unit No. 1, State Docket No. NGPA-K-78-0409, FERC control No. JD79-14135.

Kenneth F. Plumb,
Secretary.

[S-284-81 Filed 2-19-81; 9:56 am]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46, FR 31, P. 12590, Tuesday, February 17, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, February, 19, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Thursday, February 19, 1981.

[S-285-81 Filed 2-19-81; 11:39 am]

BILLING CODE 6720-01-M

7

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:30 a.m., Tuesday, March 3, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
 - a. Sonar units (Docket No. 714).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-283-81 Filed 2-18-81; 4:55 pm]

BILLING CODE 7020-02-M

8

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, February 25, 1981.

PLACE: Seventh floor board room, 1776 G Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDER:

1. Review of Central Liquidity Facility Lending Rate.
2. Consideration of a proposed policy to delegate authority to suspend charter and place a federal credit union into involuntary liquidation.
3. Consideration of an interpretive ruling regarding federal credit union participation in federal funds transactions.
4. Report of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, February 25, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

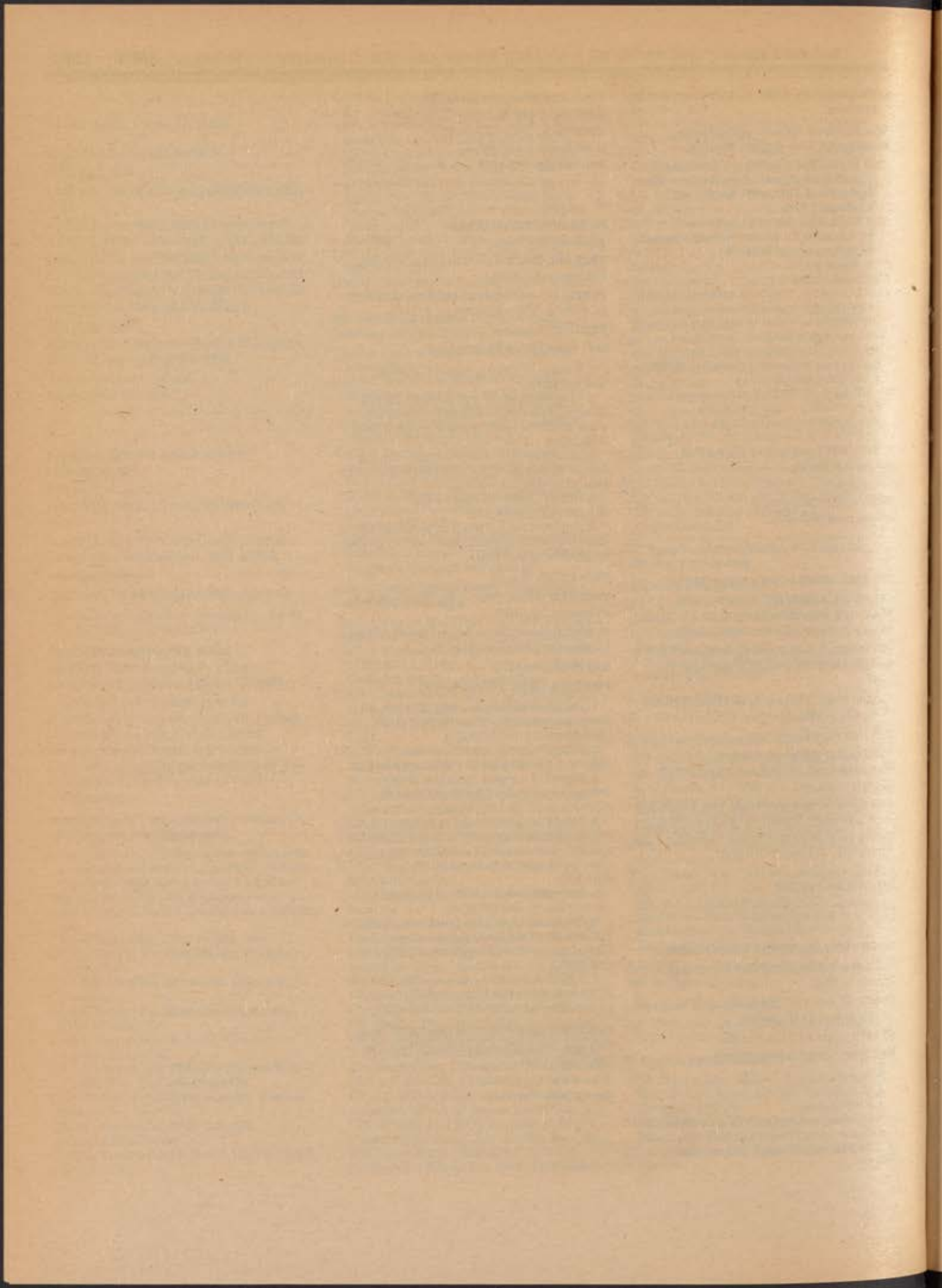
MATTERS TO BE CONSIDERED:

1. Proposed policy regarding NCUA's computer terminals. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Possible Agency participation in civil litigation. Closed pursuant to exemption (10).
3. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Report of Administration Actions taken under delegated authority under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Proposed mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
7. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-283-81 Filed 2-18-81; 4:40 pm]

BILLING CODE 7535-01-M



federal register

Monday
February 23, 1981

Part II

Department of Agriculture

**Animal and Plant Health Inspection
Service**

**Brucellosis Indemnity; Affirmation of
Final Rule and Final Rule**

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms certain provisions in the final rule governing the payment of indemnities for cattle destroyed because of brucellosis (9 CFR Part 51) as published in the *Federal Register* on Friday, June 27, 1980. This is necessary to encourage closer cooperation between livestock owners and the brucellosis eradication program officials.

EFFECTIVE DATE: June 27, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, Maryland 20782, 301-436-8713. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant".

A proposal generally to allow Federal indemnities for cattle destroyed because of brucellosis to move with the market was published in the *Federal Register* on March 21, 1980 (45 FR 18394-18398) with a comment period ending April 21, 1980. The comment period was extended to April 28, 1980, by a notice published in the *Federal Register* (45 FR 28341). A final rule was published in the *Federal Register* on June 27, 1980 (45 FR 43676-43680). The final rule contained two substantive amendments to the proposal, which Paul Becton, Director, National Brucellosis Eradication Program, VS, APHIS, determined constituted an emergency situation which warranted publication prior to providing an opportunity for a public comment period.

As an emergency measure, § 51.1(dd) of the proposal was amended to distinguish between average fair market slaughter value for beef cattle and dairy cattle so as to provide for a national average fair market slaughter value for

beef cattle and retain state averages for dairy cattle.

Also, as an emergency measure, § 51.3(a) (1) and (2) of the proposal were amended to provide minimum and maximum per head indemnity for cattle destroyed as brucellosis reactors and for herds depopulated because of infection with or exposure to brucellosis.

Comments regarding the amendments to §§ 51.1(dd) and 51.3(a) (1) and (2) were solicited for 60 days after publication of the amendments. No comments were received in response to the amendments. The factual situations which were set forth in the document of June 27, 1980, still provide a satisfactory basis for the amendments, except with respect to registered cattle. Accordingly, it has been determined that the final rule should remain effective as published in the *Federal Register* on June 27, 1980, except with respect to registered cattle. Amendments concerning registered cattle are published in another document in this issue of the *Federal Register*. (See FR Doc. 81-5966 in this part).

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

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-5966 Filed 2-19-81; 9:23 am]

BILLING CODE 3410-34-M

9 CFR Part 51

Brucellosis Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations governing the payment of indemnity for registered cattle destroyed because of brucellosis by (1) requiring individual appraisals and the use of actual salvage value; (2) eliminating minimum Federal indemnity on all registered cattle except registered dairy cattle and brucellosis reactor cattle and herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and (3) raising the maximum Federal indemnity on all registered exposed female calves from \$250 to \$1,000. This action is needed to assure owners of affected registered cattle that the individual value of their cattle is considered in the final indemnity and to protect appropriated funds. The intended effect of this action is to retain the cooperation of the registered cattle owners while properly managing appropriated funds.

DATES: Effective date: March 2, 1981. Comments must be received on or before April 24, 1981.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, Maryland 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, Maryland 20782, 301-436-8713.

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 Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Dr. Paul Becton, Director, National Brucellosis Eradication Program, Veterinary Services, Animal and Plant Health Inspection Service, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because the Department has determined that the present rates generally overcompensate owners of registered cattle and seriously reduce appropriated funds for other indemnity cases. Delay in the implementation of this docket would severely undermine producer cooperation in the National Cooperative State-Federal Brucellosis Eradication Program.

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

Since this action may have a significant economic impact on a substantial number of small entities, the Final Impact Statement will address the issues required in section 604 of Pub. L. 96-354, the Regulatory Flexibility Act.

Published elsewhere in this issue of the *Federal Register* is an Affirmation of Final Rule concerning certain emergency amendments to 9 CFR Part 51, made by the Department on June 27, 1980, with respect to payment of federal indemnity on nonregistered cattle.

Brucellosis is a contagious, infectious, and communicable disease which affects animals and man and is caused by bacteria of the genus *brucella*. A National Cooperative State-Federal Brucellosis Eradication Program to eliminate brucellosis from cattle and swine in the United States is being carried out in each of the various States. Among the tools being used to eradicate brucellosis in various States are the testing of cattle and swine herds for brucellosis, identification and destruction by slaughter of infected and exposed animals, and the payment of indemnities to owners of animals destroyed because of brucellosis pursuant to the regulations in 9 CFR Part 51.

On June 27, 1980, the Department amended these regulations to permit the indemnity rates to fluctuate according to market averages. Presently, the Department pays indemnity, pursuant to 9 CFR 51.3, to owners of registered cattle destroyed pursuant to the brucellosis program, in an amount which does not exceed the difference between a certain percentage of the "average fair market replacement value" (9 CFR 51.1(cc)) and the "average fair market slaughter value" (9 CFR 51.1(dd)), provided, however, that federal indemnity for all registered animals, except registered exposed female calves, will not be less than \$250 and not more than \$1,000.00. The percentage paid depends upon whether the animal is classified as a brucellosis reactor or part of a herd depopulation; and, if part of a herd depopulation, whether the herd is from a state which is entirely Certified Brucellosis Free or from a state of mixed or lower brucellosis status areas. It is also provided that federal indemnity may be paid to any owner whose exposed female calf or calves are destroyed because of brucellosis, provided that such federal indemnity shall not exceed \$250 for registered calves.

Presently, 9 CFR 51.1(cc) defines "average fair market replacement value" on registered cattle to mean "the arithmetic average price on such cattle during the previous calendar year as reported by the registered breed association." 9 CFR 51.1(dd)(1) defines, in relevant part, "average fair market slaughter value" on beef cattle, whether registered or not, to mean "the

arithmetic average price and weight of beef slaughtered in the United States * * * during the previous calendar year quarter." 9 CFR 51.1(dd)(2) defines, in relevant part, "average fair market slaughter value" on dairy cattle, whether registered or not, to mean "the arithmetic average price and weight of dairy cattle slaughtered within a state * * * during the previous calendar year quarter."

Upon implementation of these regulations, it was found that: (1) Not all breed associations submitted the necessary data, (2) an extremely wide variation in values was reported, (3) a few breeds dominated the averages in numbers of animals sold, and (4) these averages represented the value of the top quality animals and did not represent the value of the registered animals usually found affected with brucellosis. Consequently, the indemnity rates established for registered cattle generally reflected the value of herds maintained to compete in prestigious shows and sales and sold in such prestigious marketing channels. However, such herds are only occasionally affected with brucellosis because of careful management practices. Further, the indemnity rates determined by this formula seriously overcompensate the commercial herd owner who has a small number of registered cattle and whose use of the registered cattle is no different than the other nonregistered cattle in his herd. Such overcompensation not only destroys the incentive of the commercial herd owner to cooperate in management practices designed to eradicate brucellosis from his herd, but may result in an incentive for him to adopt practices which result in brucellosis becoming established or remaining in his herd.

A survey of indemnity claims paid under the present regulations showed that registered cattle eligible for indemnity make up less than 4 percent of the total cattle eligible for indemnity. However, at the indemnity rates presently established, this 4 percent will use over 30 percent of the available indemnity funds. The Department believes such inequities will retard the brucellosis eradication program rather than promote the program.

Using an "individual appraisal and the actual salvage value" method on the animal to be indemnified has been recognized as the most accurate method of computing the value of the animal, but volume and the increased costs for administering individual appraisals and actual salvage values has made it impractical for all cattle. However,

having determined that registered cattle account for less than 4 percent of the volume, the Department believes the use of individual appraisals and actual salvage values to be manageable tools for determining indemnity for registered cattle.

As a result of these findings, the Department is amending 9 CFR Part 51 as it affects indemnity for registered cattle. Specifically, this action amends § 51.1(cc)(3), (dd), and (ee); § 51.3; § 51.7; § 51.8; § 51.9 and § 51.10.

This action amends § 51.1(cc)(3) of the regulations, which presently defines the procedure for determining the average fair market replacement value for registered cattle, to require individual appraisals for registered cattle. This action amends § 51.1(dd) by retitling § 51.1(dd)(1) as "Nonregistered beef cattle" and § 51.1(dd)(2) as "Nonregistered dairy cattle". This action redesignates § 51.1 (ee) as (ff) and adds a new subparagraph (ee) to define the term "Actual salvage value." Actual salvage value for registered cattle is defined as "the net amount received for an animal after deducting freight, truckage, yardage, commission, slaughtering charges, and other expenses in disposing of the animal which are approved by Veterinary Services." This definition, which allows the above-mentioned costs to be deducted, is adopted as an incentive to herd owners to participate in the brucellosis eradication program. Participation requires, among other things, that cattle be sent to slaughter within a specified time and to specified slaughtering establishments. Such requirements may make it more expensive to the owner to send his cattle to slaughter under the brucellosis program than if the owner could choose the time and place of slaughter. Consequently, these costs are to be absorbed by the brucellosis program.

This action also amends § 51.3. First, Footnote 4 referenced in § 51.3 is amended to conform the footnote with the other changes being made in § 51.3 by this amendment. Second, § 51.3(a)(1) is revised and retitled "Nonregistered cattle," a new § 51.3(a)(2) is titled "Registered Cattle," and § 51.3(a)(3) is deleted as a separate section. Third, new §§ 51.3(a)(1) and 51.3(a)(2) are subdivided into subsections (i), (ii), and (iii) and titled "Brucellosis reactor cattle," "Herd depopulations," and "Exposed female calves," respectively. The regulations in new §§ 51.3(a)(1) (i), (ii), and (iii) concern nonregistered cattle only and remain substantively the same as the present §§ 51.3(a) (1), (2), and (3), but with all references to registered

cattle removed and with some minor editorial changes for clarity made.

The new § 51.3(a)(2) (i), (ii), and (iii) concern registered cattle only, and explain how indemnity rates are to be calculated for registered brucellosis reactor cattle (§ 51.3(a)(2)(i)), for registered herd depopulations (§ 51.3(a)(2)(ii)), and for registered exposed female calves (§ 51.3(a)(2)(iii)). The formula to be used to determine indemnity rates on registered brucellosis reactor cattle and registered exposed female calves is the difference between 90 percent of the appraisal value and the actual salvage value received for the animal. The formula to be used to determine indemnity rates on registered herd depopulations is the difference between 95, 90 or 80 percent of the appraised value (depending on the brucellosis classification of the state or area in which the animals are located) and the actual salvage value. The new regulation provides, further, that federal indemnity shall not be more than \$1,000 for any registered cattle; shall not be less than \$150 for any registered dairy cattle, and shall not be less than \$150 for any registered brucellosis reactor cattle or registered cattle in herd depopulations in Alaska, Hawaii, Puerto Rico, or the Virgin Islands. Thus, while the present maximum rate which the Deputy Administrator may authorize for registered brucellosis reactor cattle and for registered herd depopulations will be retained at \$1,000, it is raised from \$250 to \$1,000 for registered female exposed calves. Further, the minimum rates presently provided are removed for all registered cattle, except registered dairy cattle, and except for registered brucellosis reactors and registered cattle in herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

The requirement for using individual appraisals and actual salvage values on registered cattle will assure registered cattle owners that the indemnity they will be paid will more accurately reflect the particular registered animal's value. Further, this formula will result in more proper distribution of funds appropriated for brucellosis indemnity purposes. However, the above-mentioned minimum rates are being retained for such registered animals because it appears that in the absence of such minimum rates, the indemnification payments in some instances may be less than the rate paid on the same class of nonregistered cattle, and, consequently, owners of such registered animals would not be encouraged to participate in the brucellosis eradication program.

Although a minimum rate on registered dairy cattle and on registered brucellosis reactor and registered herd depopulations in Alaska, Hawaii, Puerto Rico, and the Virgin Islands is being retained, it is being lowered from the present \$250 to \$150 so as to conform the minimum rate for such animals with the minimum rate on the same class of nonregistered animals. The minimum rate for registered cattle (whether beef or dairy) in Alaska, Hawaii, Puerto Rico, and the Virgin Islands should provide an incentive to owners of such cattle to participate in the brucellosis eradication program by helping compensate the owner for the high transportation costs involved in replacing these cattle in these areas.

No minimum rates are being retained for other registered cattle because the indemnification for such cattle, using an appraisal and actual salvage value method, should not be less than the minimum rate for nonregistered cattle of the same class.

As indicated above, the maximum federal indemnity on registered exposed female calves is being raised from \$250 to \$1,000, the present maximum indemnity allowed for other registered animals. Presently, a flat rate of \$250 is set for such calves because no slaughter market averages are available for determining the value of such calves which vary in age from a few days to 6 months. However, by using actual salvage values for each animal, as will be done by this amendment, the Department will be able to get the figures it needs to compute the indemnity for registered exposed female calves. For these reasons, the flat maximum rate of \$250 is being terminated and the above-mentioned indemnity formula, based on the difference between 90% of appraisal and the actual salvage value received for the animal with a \$1,000 maximum, is applied to registered exposed female calves. This 90% formula is adopted so that such calves, when sent for slaughter, unless they are sent as part of a herd depopulation, will be treated the same as registered brucellosis reactor cattle.

A maximum rate is retained on all registered cattle to protect appropriated funds from being depleted.

This amendment will renumber §§ 51.7, 51.8, 51.9, and 51.10 as §§ 51.9, 51.10, 51.11, and 51.12, respectively, so that a new § 51.7 and § 51.8 may be added. New § 51.7 would allow a second appraisal to be made by an independent professional appraiser, should the owner disagree with the initial appraisal. The decision of the second appraiser would be final, although, in any case, the

Veterinarian-in-Charge must decline to accept appraisals that appear to be unreasonable or substantially deviate from the average fair market replacement value of cattle of like quality. The Department feels that this procedure gives the owner an opportunity to appeal the initial appraisal in a manner which provides for an independent and objective review of the initial appraisal.

In addition, new § 51.7 provides that, although registration papers must accompany the registered animals to be appraised for identification purposes, the Veterinarian-in-Charge may grant an extension of not more than 30 days for presentation of the registration papers for cattle less than one (1) year of age and unregistered, or where there is a transfer of ownership and the registration papers have been sent, but not yet received. The one (1) year time limitation mentioned above is imposed to reflect the common practice of not registering cattle until they are one year of age. The decision whether to raise an animal as a registered animal for breeding purposes is usually made by the time the animal is a year old.

New § 51.8 explains the procedures for reporting the actual salvage value received by the claimant on the appraised animals. Such information includes the weight, price per pound, gross receipts, expenses, if any, and the net proceeds for each appraised animal. The form containing this information, which will be furnished by Veterinary Services on request, is to be signed by the purchaser or his agent or the selling agent handling the animals. Alternative acceptable methods for reporting the actual salvage value received are provided in § 51.8 for those situations where the animal is not disposed of through regular slaughterers or through selling agents, or in emergencies, so that the actual salvage value can be obtained under all circumstances.

The following alternatives for determining the value of registered cattle were considered, but rejected. Lowering the percentage of replacement values for registered cattle was rejected since the replacement value would still be that of the prestigious show and sale circle. Establishing a constant flat rate indemnity for registered cattle was rejected since there is insufficient data to support such a rate and it could not properly compensate the owners of all types of registered cattle. Leaving the system as is was also rejected since a quarter year's operation has shown the system, with regard to registered cattle, to operate against program objectives and to be a drain on appropriated funds

that was not anticipated and would not permit a continuing system.

Accordingly, Part 51, Title 9, Code of Federal Regulations is hereby amended in the following respects:

1. In § 51.1, paragraph (cc)(3) is revised to read as follows:

§ 51.1 Definitions.

(cc) *Average fair market replacement value.*

(3) *Registered cattle.* The appraised value determined in accordance with § 51.7.

2. In § 51.1, the heading of subparagraphs (dd) (1) and (2) are revised to read as follows:

(dd) *Average fair market slaughter value.* (1) *Nonregistered beef cattle—*

(2) *Nonregistered dairy cattle—*

3. § 51.1, subparagraph (ee) is renumbered § 51.1(ff) and a new subparagraph (ee) is added to read as follows:

(ee) *Actual salvage value. Registered cattle—*The net amount received for an animal after deducting freight, truckage, yardage, commission, slaughtering charges, and other expenses in disposing of the animal which are approved by Veterinary Services.

Footnote 4 in Part 51 [Amended]

4. The first sentence in Footnote 4 referenced in Part 51 is amended to read: "The Deputy Administrator shall authorize payment of federal indemnity by the Department at the applicable maximum percentage and per head rate in § 51.3(a) * * *"

5. Section 51.3 is revised to read as follows:

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to owners whose cattle are destroyed as affected with brucellosis.

(1) *Nonregistered cattle (i) Brucellosis reactor cattle.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to any owner whose nonregistered cattle are destroyed as brucellosis reactors. Federal indemnity for such cattle shall not exceed the difference between 90 percent of the average fair market replacement value and the average fair market slaughter

value; *Provided, however,* That federal indemnity shall not be less than \$50 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not be less than \$150; and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than \$150 for any nonregistered cattle. *Provided further,* That federal indemnity shall not exceed \$250 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not exceed \$750; and except that, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not exceed \$750 for any nonregistered cattle. Prior to payment of federal indemnity, proof of destruction shall be furnished to the Veterinarian in Charge.

(ii) *Herd depopulations.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to any owner whose herd of nonregistered cattle is depopulated because of infection with or exposure to brucellosis. Federal indemnity for such cattle from states which are entirely Certified Brucellosis Free (as listed in § 78.20(a)) shall not exceed the difference between 95 percent of the average fair market replacement value and the average fair market slaughter value. Federal indemnity for such cattle from areas other than whole states which are Certified Brucellosis Free Areas (as listed in § 78.20(b)) and from Modified Certified Brucellosis Areas (as listed in § 78.21) shall not exceed the difference between 90 percent of the average fair market replacement value and the average fair market slaughter value. Federal indemnity for such cattle from noncertified areas (as listed in § 78.22) shall not exceed the difference between 80 percent of the average fair market replacement value and the average fair market slaughter value; *Provide, however,* That federal indemnity shall not be less than \$50 for any nonregistered cattle, except that for nonregistered dairy cattle, federal indemnity shall not be less than \$150; and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than \$150 for any nonregistered cattle; *Provided further,* That federal indemnity shall not exceed \$250 for any nonregistered cattle, except that for nonregistered dairy cattle federal indemnity shall not exceed \$750, and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not exceed \$750 for any nonregistered cattle. Prior to payment of federal indemnity, proof of

destruction shall be furnished to the Veterinarian in Charge.

(iii) *Exposed female calves.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to any owner whose nonregistered exposed female calf or calves are destroyed because of brucellosis. The federal indemnity for such animals shall not exceed \$50 per head for nonregistered calves. Prior to payment of federal indemnity, proof of destruction shall be furnished to the Veterinarian in Charge.

(2) *Registered cattle. (i) Brucellosis reactor cattle.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to any owner whose registered cattle are destroyed as brucellosis reactors. Federal indemnity for such registered cattle shall not exceed the difference between 90 percent of the average fair market replacement value and the actual salvage value; *Provided, however,* That federal indemnity shall not be less than \$150 for any registered dairy cattle and, in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than \$150 for any registered cattle; *Provided, further,* That federal indemnity shall not exceed \$1,000 for any registered cattle. Prior to payment of federal indemnity, proof of destruction shall be furnished to the Veterinarian in Charge.

(ii) *Herd depopulations.* The Deputy Administrator may authorize the payment of federal indemnity by the Department to any owner whose herd of registered cattle is depopulated because of infection with or exposure to brucellosis. Federal indemnity for such registered cattle from states which are entirely Certified Brucellosis-Free (as listed in § 78.20(a)) shall not exceed the difference between 95 percent of the appraised value and the actual salvage value. Federal indemnity for such registered cattle from areas other than whole states which are Certified Brucellosis Free Areas (as listed in § 78.20(b)) and from Modified Certified Brucellosis Areas (as listed in § 78.21) shall not exceed the difference between 90 percent of the appraised value and the actual salvage value. Federal indemnity for such registered cattle from noncertified areas (as listed in § 78.22) shall not exceed the difference between 80 percent of the appraised value and the actual salvage value; *Provided, however,* That federal indemnity shall not be less than \$150 for any registered dairy cattle, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, federal indemnity shall not be less than

\$150 for any registered cattle; *Provided, further*, That federal indemnity shall not exceed \$1,000 for any registered cattle. Prior to payment of federal indemnity, proof of destruction ⁶ shall be furnished to the Veterinarian in Charge.

(iii) *Exposed female calves.*

The Deputy Administrator may authorize ⁴ the payment of federal indemnity by the Department to any owner whose registered exposed female calf or calves are destroyed because of brucellosis. The federal indemnity for such registered calf shall not exceed the difference between 90 percent ⁴ of the appraised value and the actual salvage value for the registered calf; *Provided, however*, That federal indemnity shall not exceed \$1,000 per head for any registered calf. Prior to payment of federal indemnity, proof of destruction ⁶ shall be furnished to the Veterinarian in Charge.

§§ 51.7, 51.8, 51.9, and 51.10 [Renumbered as §§ 51.9, 51.10, 51.11 and 51.12]

6. Sections 51.7, 51.8, 51.9, and 51.10, are renumbered 51.9, 51.10, 51.11, and 51.12 respectively.

7. New §§ 51.7 and 51.8 are added to read as follows:

§ 51.7 Appraisals.

(a) *Cattle.* Appraisals are required for registered cattle affected with brucellosis which are to be destroyed and for which indemnities may be paid under § 51.3(a)(2) (i), (ii), and (iii).

(b) Registered cattle shall be appraised by a Veterinary Services representative or State representative or an independent professional appraiser at Veterinary Services expense. In appraising registered cattle, due consideration shall be given to their breeding value. Cattle presented for appraisal as registered shall be accompanied by their registration papers issued in the name of, or transferred by the registered breed association to the name of, the owner or shall be paid for as nonregistered cattle; *Provided, however*, that if the registration papers are not available because they have been sent to an association for transfer of ownership or if the cattle are less than 1 year old and unregistered, the Veterinarian in Charge may grant a reasonable time of not more than 30 days for the presentation of their registration papers. The appraiser shall be responsible for their verification. *Provided, further*, That if the owner deems the appraisal of the Veterinary Services representative or State representative to be inadequate an appraisal shall be made by an independent professional appraiser selected by the Veterinarian in Charge

at Veterinary Services expense. The two appraisers shall attempt to agree on the appraisal value. If they do not agree, the decision of the independent professional appraiser shall be final; and *Provided, further*, That the Veterinarian in Charge shall decline to accept appraisals that appear to be unreasonable or substantially deviate from the average fair market replacement value of registered cattle of like quality.

(c) Appraisals of cattle shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form but shall in no instance be later than the date of slaughter. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 51.8 Report of salvage proceeds, destruction other than by slaughter.

A report of the actual salvage value derived from the sale or other disposition of each registered animal on which a claim for indemnity may be made under the provisions of § 51.3(a)(2) (i), (ii), and (iii) shall be made by the claimant on a salvage form which shall be furnished by Veterinary Services upon request and shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation of how the price was determined must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The original of the salvage form or the affidavit of the owner furnished in lieu thereof, shall be furnished to the Veterinarian in Charge. Destruction of animals by burial, incineration or other disposal, other than slaughter, of carcasses shall be supervised by a Veterinary Services or State representative who shall prepare

and transmit to the Veterinarian in Charge a report identifying the animals and showing the disposition thereof.

(Sec. 2, 32 stat., 792, and Sec. 23 stat. 32 as amended, (21 U.S.C. 111, and 114a, 37 FR 28464, 28477, 38 FR 19141))

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

Harry C. Mussman,

Acting Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-5986 Filed 2-19-81; 9:23 am]

BILLING CODE 3410-34-M

federal register

Monday
February 23, 1981

Part III

**Department of
Housing and Urban
Development**

**Office of Assistant Secretary for
Community Planning and Development**

**Community Development Block Grants;
Small Cities Program**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of Assistant Secretary for
Community Planning and Development**

24 CFR Part 570

[Docket No. R-81-899]

**Community Development Block
Grants; Subpart F—Small Cities
Program**

AGENCY: Assistant Secretary for
Community Planning and Development,
Department of Housing and Urban
Development (HUD).

ACTION: Interim rule.

SUMMARY: This interim rule revises the Housing Assistance Plan (HAP) regulations for small cities by establishing a single set of requirements for both Comprehensive and Single Purpose Grant applicants. To eliminate the confusion caused by two different sets of HAP requirements for small cities, the use of Entitlement HAP regulations for Comprehensive Grant applicants, and the problems with Single Purpose HAP requirements, HUD has modified the HAP requirements for small cities. The new requirements are tailored to small cities' needs, capacities, and access to data, and increase the HAP's usefulness to applicants and HUD. The rule also simplifies and makes the HAP requirements more flexible.

DATES: Effective date: March 27, 1981.
Comment due date: April 24, 1981.

ADDRESS: Interested persons should file written comments on or before the due date with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:
Jody A. Cook, Small Cities Division,
Office of Community Planning and
Development, Department of Housing
and Urban Development, Washington,
D.C. 20410, (202) 755-6322. (This is not a
toll free number.)

SUPPLEMENTARY INFORMATION:

Miscellaneous Information

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of No Significant Impact is on file and available for inspection in the Office of the Rules Docket Clerk.

This rule is listed in the Department's semi-annual agenda of significant rules

(CPD-3-80), published pursuant to Executive Order 12044.

The Small Cities Program is listed in the Catalog of Federal Domestic Assistance under the number 14-219, *Community Development Block Grants/Small Cities Program*. OMB Circular A-95 applies to the Small Cities Program.

The Assistant Secretary for Community Planning and Development has determined that it is impracticable to publish proposed regulations and that good cause exists for making this rule effective 30 days after publication because—

1. The rule significantly reduces the Housing Assistance Plan requirements for Comprehensive Grant applicants, clarifies remaining existing requirements, and makes the requirements more flexible for all applicants.

2. Because of the multiyear funding option for Comprehensive grantees begun in Fiscal Year 1978, the Small Cities Program is in effect on a three year cycle—every third year (1978, 1981, etc.) there is a much greater number of grantees with new commitments. In order to match the new HAP requirements with the beginning of a new three year cycle for the multiyear grantees as well as allow other Fiscal Year 1981 applicants to take advantage of the new requirements, the regulations must be effective as soon as possible.

Interested persons, however, are invited to participate in making the final rule by submitting written comments. Each commentor must refer to the docket number and clearly identify each paragraph and its corresponding comments. Comments should be addressed to the Rules Docket Clerk, whose address is above, before the date specified, in order to be considered for the final rule. Copies of the comments will be available for examination and copying during business hours in the Office of the Rules Docket Clerk.

HUD published in the *Federal Register* the regulations governing the Housing Assistance Plan (HAP) for Comprehensive Grant applicants on August 27, 1979 and for Single Purpose Grant applicants on August 21, 1980. This interim rule modifies the HAP requirements in those regulations.

Under the Housing and Community Development Act of 1974, the Act which authorizes the Community Development Block Grant Program, each applicant must submit a HAP. In its HAP, the applicant surveys housing conditions, assesses the housing assistance needs of lower income households, establishes goals to meet the housing needs, and indicates the general locations of proposed assisted housing. A small city

uses the HAP to link community development activities with provision of assisted housing and to influence the development and location of assisted housing. HUD uses the HAPs in the allocation of assisted housing and as the basis to approve assisted housing in the grantee's jurisdiction. HUD also compares the grantee's performance assessment report with the HAP to monitor the grantee's provision of assisted housing.

Currently, a Comprehensive Grant applicant must follow the HAP requirements in 24 CFR 570.306, *Housing Assistance Plan*, which are also used by Entitlement Cities. Single Purpose applicants address separate, less specific HAP requirements, described in 24 CFR 570.430(b), *Housing Assistance Plan*. Having two different HAP requirements in the Small Cities Program has created confusion about the applicability of a previous HAP when a grantee switches from one grant type to another.

Experience has shown that the Single Purpose HAP requirements, which are specifically tailored to small cities, are more appropriate for small cities than the Entitlement HAP requirements. The relative simplicity of the Single Purpose HAP accommodates small cities' more limited administrative capacities and smaller staffs. The Single Purpose HAP requires less data, recognizing that reliable data can be very difficult to obtain for small places.

The Single Purpose HAP requirements, however, have also caused problems. Meeting a Single Purpose HAP's goals within the period of a single grant, for example, is nearly impossible given the current level of assisted housing resources. Because a grantee's HAP is evaluated each time the grantee applies for a Small Cities grant, many Single Purpose grantees have not had sufficient opportunity to perform well. In addition, most assisted housing applications are larger than the Single Purpose HAP goals by housing type and household type and, therefore, a substantial amount of time has been spent on HAP amendments.

In addition to concerns about data availability, some small cities had difficulty in establishing realistic goals. This was due in part to the "minimal goals" standard which requires that an applicant set, at a minimum, a three year goal equal to 15 percent of its housing assistance needs, unless the 15 percent goal is specifically demonstrated to be infeasible. In practice, the 15 percent rule resulted in greater emphasis upon the percentage of need to be served than upon more appropriate considerations like

expected available housing assistance resources or feasible project size.

To eliminate the confusion caused by two different sets of HAP requirements for small cities, the use of Entitlement HAP regulations for Comprehensive Grant applicants, and the problems with Single Purpose HAP requirements, HUD has modified the HAP requirements for small cities. The new requirements are tailored to small cities' needs, capacities, and access to data, and increase the HAP's usefulness to applicants and to HUD.

The new HAP requirements, for example, eliminate the 15 percent minimal goals standards. Instead, as specifically discussed below, applicants will base goals on realistic estimates of the amount of assisted housing, making adjustments for considerations like feasible project size. In addition, the new HAP regulations recognize that exceptions to the proportionality requirement are extremely important to a small city which can expect only one assisted housing project during the term of its HAP.

Many former requirements placed upon Comprehensive applicants have been reduced or eliminated. Housing type, for example, need no longer be specified by household type in the three year goal.

Single Purpose applicants, for the first time, will have sufficient time to meet or demonstrate progress toward meeting their HAP goals. Submission of an annual action plan will insure that an applicant's plans for assisted housing are included in HUD's annual allocation of assisted housing in each year the HAP is effective. The three year goal will give an applicant a longer period of time to comment on applications for proposed assisted housing in its jurisdiction (under the provisions for local review and comment on assisted housing, 24 CFR Part 891). In addition, a Single Purpose grantee which submits a new Single Purpose or Comprehensive application at the end of the first or second year of its HAP need not submit a totally new HAP.

Finally, these regulations clearly state the contents of the HAP. The Single Purpose HAP regulations, for example, made no mention of the requirement to specify general locations for assisted housing, although required under the law and included in the forms.

New forms, which must be approved by the Office of Management and Budget before these regulations can become effective, have been developed to implement the regulations. A single set of forms, and accompanying instructions, will be used by all small

cities applicants, and are appreciably simpler than the existing forms.

With the exception of changing Small Cities Program HAP references to § 570.437, the new HAP regulations for both Comprehensive and Single Purpose Small Cities Program applicants, each change to the regulations is discussed below.

§ 570.437 *Small Cities Housing Assistance Plan*

The provisions of § 570.437(a), *Purpose*; § 570.437(b), *Use*; and § 570.437(c) *Responsibility of the applicant*, are self explanatory.

Paragraph § 570.437(d), *General*, explains when an applicant must submit a full HAP, and when the applicant must submit an annual goal with reference to a currently approved HAP in order to satisfy the HAP requirement.

For the purposes of local review of assisted housing applications and HUD's allocation of assisted housing, pursuant to 24 CFR Part 891 (Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds), the HAP is effective for the three Federal fiscal years following its approval. A grantee whose CDBG program extends beyond the HAP's effective period for the purposes of 24 CFR Part 891 is encouraged to submit a new HAP if its performance under the HAP does not satisfy the threshold considerations (§ 570.423(c) for Comprehensive applicants and § 570.427(c) for Single Purpose applicants). The applicant's goals can also then be considered in HUD's allocation of assisted housing, and the applicant can continue to comment on applications for assisted housing in its jurisdiction for conformance with its HAP.

Paragraph (d) allows an applicant to reference a county HAP in lieu of preparing its own. If an applicant chooses to submit a county HAP, it must execute an agreement with the county. The agreement must identify, and obligate the applicant to assume, the applicant's share of the county HAP's housing assistance goals. The agreement must identify the general locations for proposed assisted housing in the applicant's jurisdiction.

Paragraph (d) also clarifies the coverage of Housing Assistance Plans submitted by counties applying to the Small Cities Program. A county applying in its own behalf must submit a HAP which covers its unincorporated area. A county applying in behalf of incorporated places must submit a HAP which covers those incorporated places.

Paragraph (e), *Housing conditions, needs, goals, and locations*, describes

the five components of a HAP—a survey of housing conditions, an assessment of housing assistance needs, a three year goal, an annual goal, and identification of general locations for assisted housing.

Paragraph (e)(1), which explains the requirements for the survey of housing conditions, is similar to existing requirements, except that less information is required of Comprehensive applicants.

Paragraph (e)(2) details what groups are to be included in the assessment of housing assistance needs and, again, is similar to existing requirements, with an important exception: the reference to § 570.306(b)(2)(ii), the Entitlement regulations' description of how to estimate the number of households expected to reside in the community, is dropped. Applicants may use the methodology described in the Entitlement regulations, but will not be required to do so. An applicant must, however, submit its best estimate of the number of lower income households which reasonably could be expected to reside in its jurisdiction, based on data generally available from Federal, State, areawide, or local sources. The expected to reside estimate must be based on existing or projected employment data. For elderly households, the estimate may also be based on the availability of health services in the community, or upon the number seeking assisted housing in the community.

Paragraph (e)(2) also explains how handicapped persons are included in the three household types.

Paragraph (e)(3) requires all Small Cities Program applicants to prepare a three year goal for assisted housing. The three year goal has two kinds of closely related subgoals, numerical and proportional. The numerical goals identify the number of households to be served over the three year term of the HAP by tenure (renter, owner), and by household type (elderly, small family, and large family). The numerical goal must be realistic in terms of the number of assisted units the applicant can reasonably expect over the three year term of the HAP and must include only projects of feasible size.

The proportional goal identifies the percentage of the total number of assisted units to be provided to each household type. Because the number of assisted housing units most applicants can reasonably expect is small, it is impracticable to require that the numerical goals always be precisely proportional to need. HUD, however, expects applicants to accommodate the needs of each household type within each tenure group as far as practicable

to their proportion of need within the tenure group. Exceptions to the proportionality requirement may be made on the bases listed in the regulation.

An applicant's population is an important factor in establishing the three year goal. Applicants with larger populations will normally be able to establish numerical goals for projects of feasible size based on the number of assisted housing units expected, and divide their goals proportionally according to need by household type. This general approach may not work for applicants with smaller populations which can reasonably expect enough assisted housing units for only one feasibly sized project. For these smaller applicants, two of the exceptions to proportionality—based on accommodating projects of feasible size and limited housing assistance resources—become important in establishing numerical goals. Limited housing assistance resources, coupled with the need to establish goals for only feasibly sized projects, may limit the smaller applicant to establishing a goal for only one housing project during the three year term of its HAP. Smaller applicants, therefore, may be forced to choose whether to serve elderly or non-elderly (small family plus large family) households in their HAPs. Their choice must be based on their past experience in providing assisted housing. For them, proportionality may not be achieved in a single three year period, but may be achieved over a longer period of time.

The way in which housing type (new, substantial rehabilitation, moderate rehabilitation, existing) is treated in the three year goal is also changed in paragraph (e)(3). Previously, Comprehensive grantees were required to specify housing type by household type in the three year goal. Thus, a community had to establish, before the beginning of the HAP's term, which housing type it would accept in each household type. If, during the HAP's term, an assisted housing application was submitted for a housing type not specified in a community's HAP or for an acceptable housing type for the "wrong" household type, HUD could not approve the application for assisted housing, unless the community amended its HAP. This, then, resulted in many HAP amendments, or the loss of the assisted housing when the amendment process took too long. Paragraph (e)(3), therefore, requires only that the applicant specify the maximum number of assisted housing units it will accept in any of the housing types. An applicant can indicate that it will accept more

than one housing type to meet its HAP goals for HUD assisted housing, and will not need to match housing type with household type in the three year goal. Amendments will be made less frequently. Both HUD and the applicant will have more flexibility—the applicant in choosing acceptable housing types and HUD in approving applications for assisted housing in housing types acceptable to the community.

Paragraph (e)(4) explains the contents of the annual goal. The goal must allow for development of feasibly sized projects, and identify any projects to be undertaken during the year by tenure, household type, and housing type. The applicant must also identify the actions it will take during the year to achieve its annual goals and, if appropriate, its three year goals.

A new paragraph, (e)(5), reflects the existing requirement that an applicant identify the general locations of proposed assisted housing.

HUD will review HAP goals based on a realistic estimate of the assisted housing resources expected to be available to the applicant, as described in paragraph (f), *HUD review of HAP*. The review for reasonable goals replaces the strict "minimal goals" standard for Comprehensive Grant applicants and is a new emphasis for Single Purpose Grant applicants. A specific percent of need will not longer be used as the principal basis for establishing the size of goals. Instead, the realistic estimate of resources expected to be available to the applicant over the term of the HAP will be the primary measure, and may be modified by the requirement of feasibly sized housing projects. The applicant's goal must reflect a reasonable effort to reduce housing need in the community and be based on a realistic assessment of expected resources. HUD will continue to disapprove applications with HAPs which contain goals which are plainly inappropriate to meeting the applicant's needs.

HUD will also review the applicant's HAP goals against the requirements for proportionality as discussed above.

The annual goal, in combination with performance against any previous annual goals under the three year goal, must allow the grantee to provide, as far as practicable, assisted housing proportional to need by household type during the HAP's three year period.

§ 570.434 Program Amendments for Comprehensive and Single Purpose Grants

Paragraph § 570.434(b), *Housing Assistance Plan amendments*, has been amended to indicate that a Small Cities

Program grantee must amend the three year HAP goals only when the grantee proposes to increase a goal by more than 20 percent (the current limitation imposed by 24 CFR Part 891, Subpart B), to decrease a goal, or to revise general locations.

The following changes are made to 24 CFR Part 570, Subpart F:

§ 570.426 [Nomenclature Change]

I. In § 570.426, all references to § 570.306 are changed to § 570.437.

II. Paragraph (e) of § 570.426 is revised to read as follows:

§ 570.426 Applications for Comprehensive Grants.

(e) *Housing Assistance Plan*. Each Comprehensive Grant applicant shall submit a housing assistance plan in accordance with § 570.437, *Small Cities Housing Assistance Plan*.

§ 570.430 [Amended]

III. Paragraph (b) introductory text of § 570.430 is revised to read as follows:

(b) *Housing Assistance Plan*. Each Single Purpose Grant applicant shall submit a housing assistance plan in accordance with § 570.437, *Small Cities Housing Assistance Plan*.

§ 570.433 [Amended]

IV. In § 570.433(b)(3)(iii)(D), the phrase "§ 570.306 or § 570.430(b)" is changed to "§ 570.437".

§ 570.437 [Added]

V. The table of contents for Subpart F is amended to add a "§ 570.437, Small Cities Housing Assistance Plan".

VI. A new section, § 570.437, is added to read as follows:

§ 570.437 Small cities housing assistance plan.

(a) *Purpose*. In its Housing Assistance Plan (HAP), each applicant surveys its housing conditions, assesses the housing assistance needs of lower (low and moderate) income households, establishes an annual goal and a three year goal for housing assistance to lower income households, and indicates the general locations of proposed assisted housing. Through its HAP, an applicant links provision of assisted housing with community development activities. The HAP must be designed to increase housing opportunities, promote viable neighborhoods, avoid concentrations of assisted housing, and affirmatively further fair housing.

(b) *Use*. HUD uses HAPs in the allocation of assisted housing. An

applicant's HAP is also one of the bases upon which HUD approves or disapproves assisted housing in the applicant's jurisdiction and against which HUD monitors a grantee's provision of assisted housing.

(c) *Applicant's responsibility.* Each applicant is responsible for implementing its housing assistance plan expeditiously. This includes the timely achievement of goals for assisted housing. Each applicant is expected to take all actions within its control to implement the approved Housing Assistance Plan. Performance under the HAP will be one of the factors considered in future applications for grants, as provided in § 570.423(c) for Comprehensive Grant applicants and in § 570.427(c) for Single Purpose Grant applicants.

(d) *General.* (1) A Housing Assistance Plan (HAP) consists of the five components described in paragraph (e), *Housing conditions, needs, goals, and locations.*

(2) Each application must include a HAP on a form prescribed by HUD. The grantee shall submit the second and third annual goals of the HAP at the end of the first and second years, respectively, following HUD approval of the HAP. If the grantee files an application for a subsequent grant in a fiscal year in which an annual goal is required, the grantee shall submit the appropriate annual goal with the application, and the annual goal must incorporate the previously approved HAP by reference as the HAP for that application.

(3) For the purposes of allocating HUD-assisted housing and local review and comment pursuant to 24 CFR Part 891, *Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds*, the grantee's HAP is effective for the three Federal fiscal years following the fiscal year of approval of the HAP. A grantee whose performance under the HAP does not satisfy the threshold considerations in § 570.423(c) for Comprehensive applicants and in § 570.427(c) for Single Purpose applicants is encouraged to submit a new HAP in order to be included in HUD's allocation of assisted housing and to comment upon proposed assisted housing in its jurisdiction with respect to its conformance with the HAP.

(4) If the applicant is located within the jurisdiction of a HUD-approved Area-wide Housing Opportunity Plan (AHOP), its HAP must be consistent with the AHOP.

(5) An applicant located within a county which has a HUD approved Housing Assistance Plan may submit the

county's HAP in lieu of preparing a separate Plan. The county's HAP must identify the housing conditions and needs for assisted housing in the applicant's jurisdiction. The county and the applicant shall execute an agreement which identifies the applicant's share of the county's housing assistance goals, obligates the applicant to assume responsibility for its share, identifies actions the applicant will take to meet its share of housing assistance goals, and identifies the general locations of proposed assisted housing. A copy of the agreement must be submitted with the application. The county HAP must be incorporated into the application by reference.

(6) A county which applies in its own behalf must submit a HAP which covers, at a minimum, the unincorporated area of the county. A county which applies in behalf of a unit(s) of general local government must submit a HAP which meets the requirements of § 570.421(f) and which covers the unit(s) of general local government for which CDBG activities are proposed.

(e) *Housing conditions, needs, goals, and locations.* (1)(i) The applicant shall describe the condition of the housing stock in the community by tenure (renter or owner). The applicant shall estimate the number of vacant units of nonseasonal, available units in standard and in substandard condition, using the best estimate at the time the application is prepared.

(ii) An applicant which proposes goals for rehabilitation of housing units shall identify the number of its occupied and vacant substandard housing units which are suitable for rehabilitation. A HAP with goals for rehabilitation must include the applicant's definitions of substandard housing, and housing suitable for rehabilitation.

(2) The applicant shall assess the housing assistance needs of lower income households currently residing in the community by tenure and by household type (elderly, small family and non-elderly individuals, and large family), including households to be displaced by public action and, where information is available, by private action. The applicant shall also assess the housing assistance needs by household type of lower income households that could reasonably be expected to reside in the community. The estimate for households expected to reside in the community must be based on current and projected employment and, for elderly households may also be based on the number seeking assisted housing in the community or using the community's services. In addition, the applicant must identify any identifiable

segment of the total group of lower income households in the community with special housing assistance needs. Handicapped individuals who are elderly or who require group home living arrangements must be included with elderly households, but separately identified in the narrative. All other handicapped persons must be included with small or large family households, according to the sizes of their households.

(3)(i) The applicant shall specify a realistic three year goal by tenure and household type for the number of households to be assisted. In addition, the applicant shall specify a housing type goal which identifies the maximum number of HUD assisted units it will accept of each housing type (new, existing, moderate rehabilitation, substantial rehabilitation).

(ii) The three year goal must be realistic in terms of estimating the assisted housing resources which can be expected to be available to the applicant. The goal must be, as far as practicable, proportional to need by household type within each tenure type, except in cases of natural disasters, significant displacement of a particular household type, participation in a HUD approved Area-wide Housing Opportunity Plan, disproportional provision of assisted housing under a previous HAP, adjustments for projects of feasible size, and limited expected housing assistance resources for the applicant.

(4)(i) The applicant shall propose a realistic annual goal to address the identified needs of lower income households. The goals should specify the number of households to be assisted by housing type, (new, existing, moderate rehabilitation, or substantial rehabilitation) and by household type.

(ii) Housing goals must be realistic in terms of estimating the assisted housing resources which can be expected to be available to the applicant. Each annual goal should be established considering feasible project size and should meet a reasonable proportion of the three year goal. In addition, goals established by the grantee must be limited to programs which are clearly available to the households identified in the needs assessment of the HAP, and result in units which: meet the Section 8 Existing Housing Quality Standard (§ 882.109); and are occupied by lower income households which do not pay an excessive proportion of their incomes on housing costs.

(iii) In its annual goal, the applicant shall also describe the actions it will take during the year to meet its annual goal and, as appropriate, its three year

goal. The applicant shall describe the actions it plans to take to further fair housing for minorities and women pursuant to its certifications under § 570.307(1)(2).

(5)(i) The applicant shall identify general locations of proposed housing for lower income persons to further community revitalization, promote housing opportunity, avoid undue concentrations of assisted housing in areas containing high proportions of low income persons, and assure the availability of public facilities and services.

(ii) General locations for housing projects must contain at least one site which conforms to the site and neighborhood standards established for the appropriate HUD assisted housing program. An applicant which proposes assisted housing in areas of concentration of minorities shall also propose general locations outside areas of concentration in order to assure the balanced provision of assisted housing.

(f)(1) *Hud review of HAP.* Where substantial housing needs are identified pursuant to paragraph (e), HUD may determine that a Housing Assistance Plan with only minimal goals is plainly inappropriate to meeting the applicant's needs.

(2) HUD shall compare the annual goal to the three year goals and any prior annual goals to determine that assisted housing will be provided proportional to need by household type as closely as possible over the three year term of the HAP. The choice of housing type or types (new, existing, moderate rehabilitation, or substantial rehabilitation) must be made considering the type(s) appropriate to the community and to the housing market area. The number of units proposed for each housing type may not exceed the number of that type which can be absorbed in the applicant community.

(3) Any units proposed to be included in the HAP as goals for rehabilitation must meet, at a minimum, the Section 8 Existing Housing Quality Standards pursuant to 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards pursuant to 24 CFR Part 39, and be occupied by lower income households which do not pay an excessive proportion of their incomes on housing costs, upon completion. Weatherization and other similar activities will not alone satisfy rehabilitation housing assistance goals.

VII. § 570.434(b), *Housing Assistance Plan amendments*, is revised to read as follows:

§ 570.434 Program amendments for single purpose and comprehensive grants.

(b) *Housing Assistance Plan amendments.* (1) Grant recipients shall request prior HUD approval of Housing Assistance Plan amendments when the recipient proposes to take an action which would:

(i) increase any three year goal for a household type or housing type by more than the limitations allowed in 24 CFR Part 891, Subpart B, *Applications for Housing Assistance in areas with Housing Assistance Plan;*

(ii) decrease any three year goal; or
(iii) revise the general locations for assisted housing.

(2) Changes not listed in paragraph (b)(1) do not require prior HUD approval, but must be reported to HUD in the grantee's performance assessment report described in § 570.906, *Performance report.*

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-123); and Sec 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., February 9, 1981.

Donald G. Dodge,

Acting General Deputy, Assistant Secretary for Community Planning and Development.

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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
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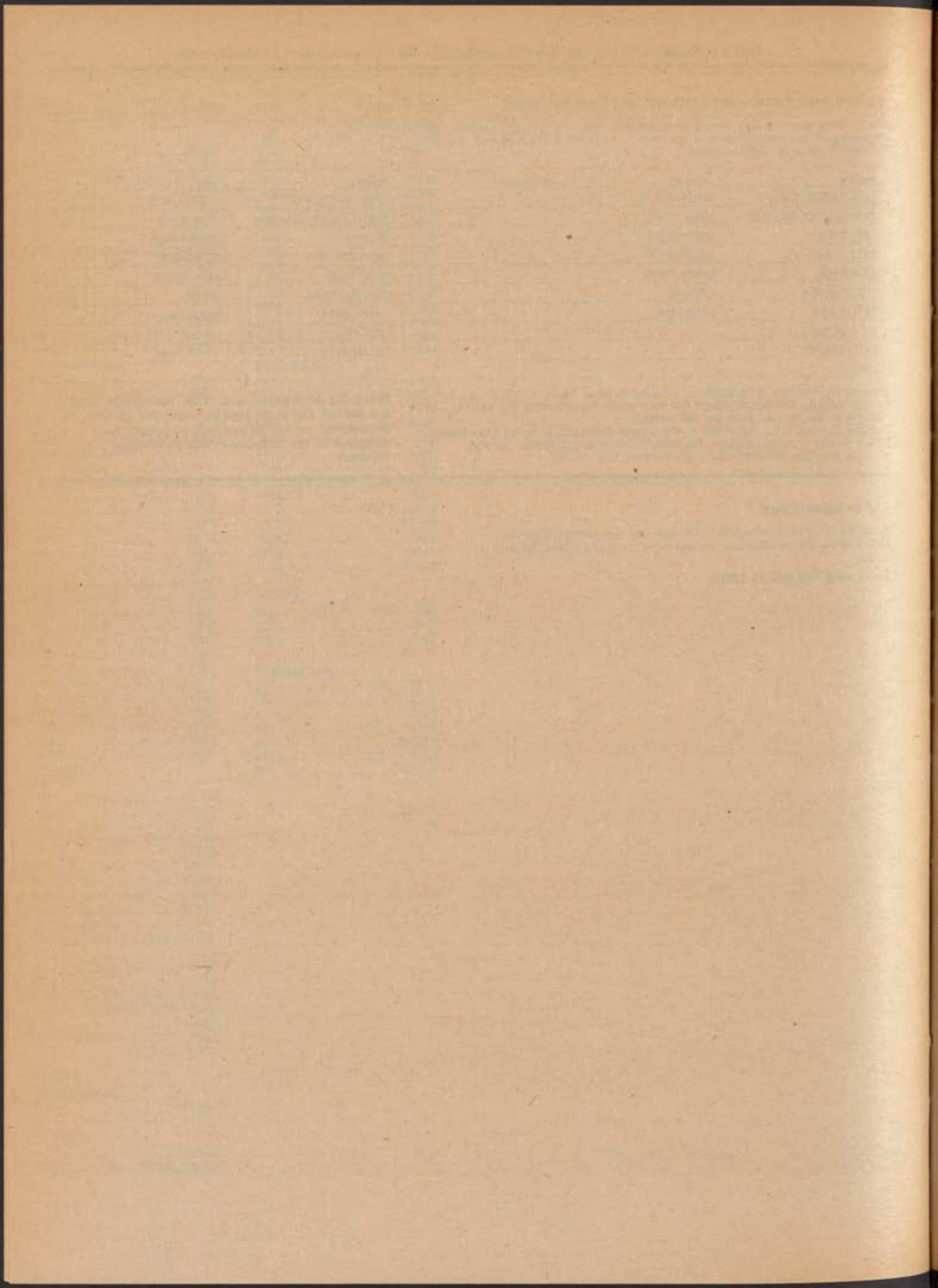
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

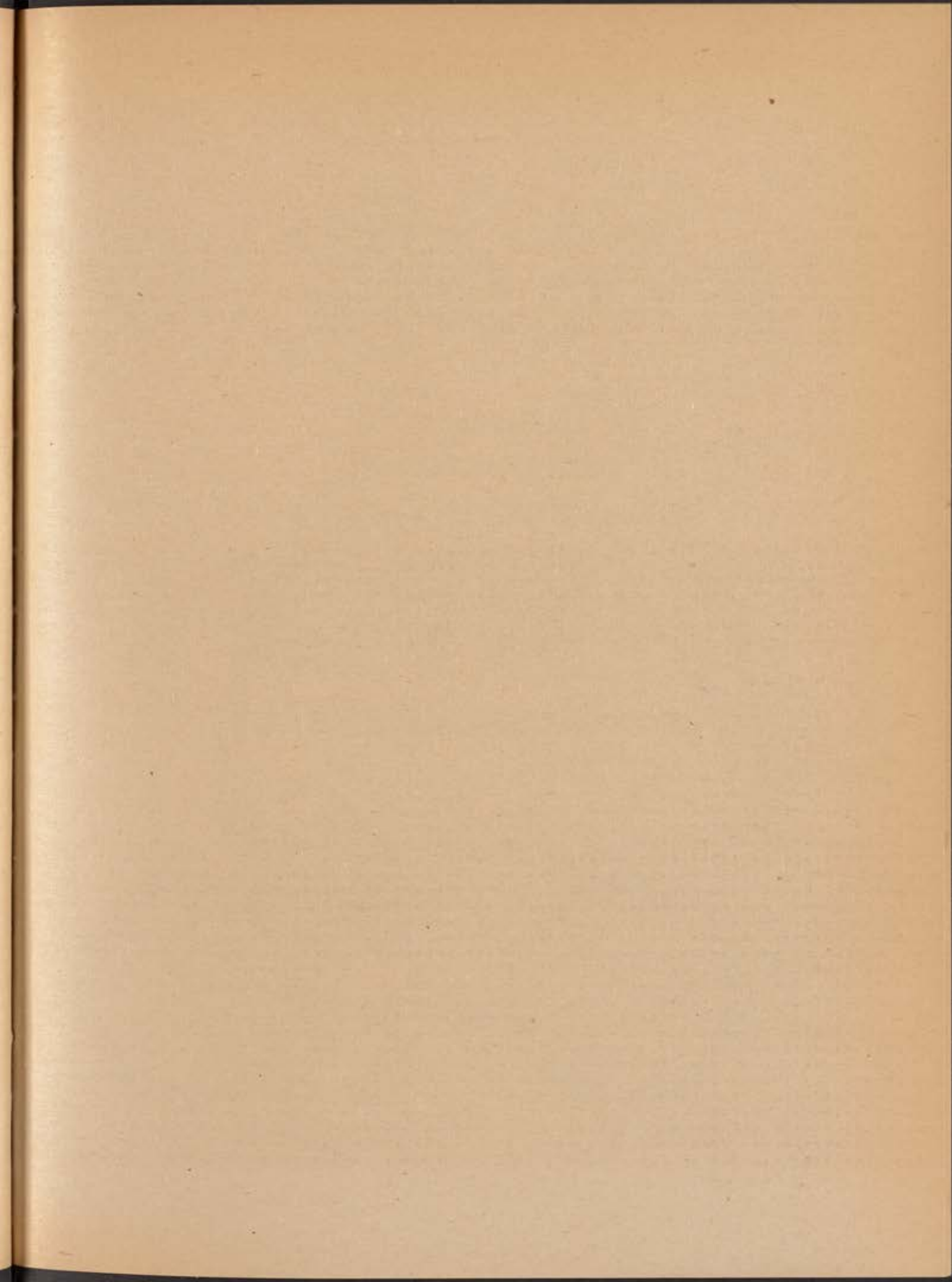
NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

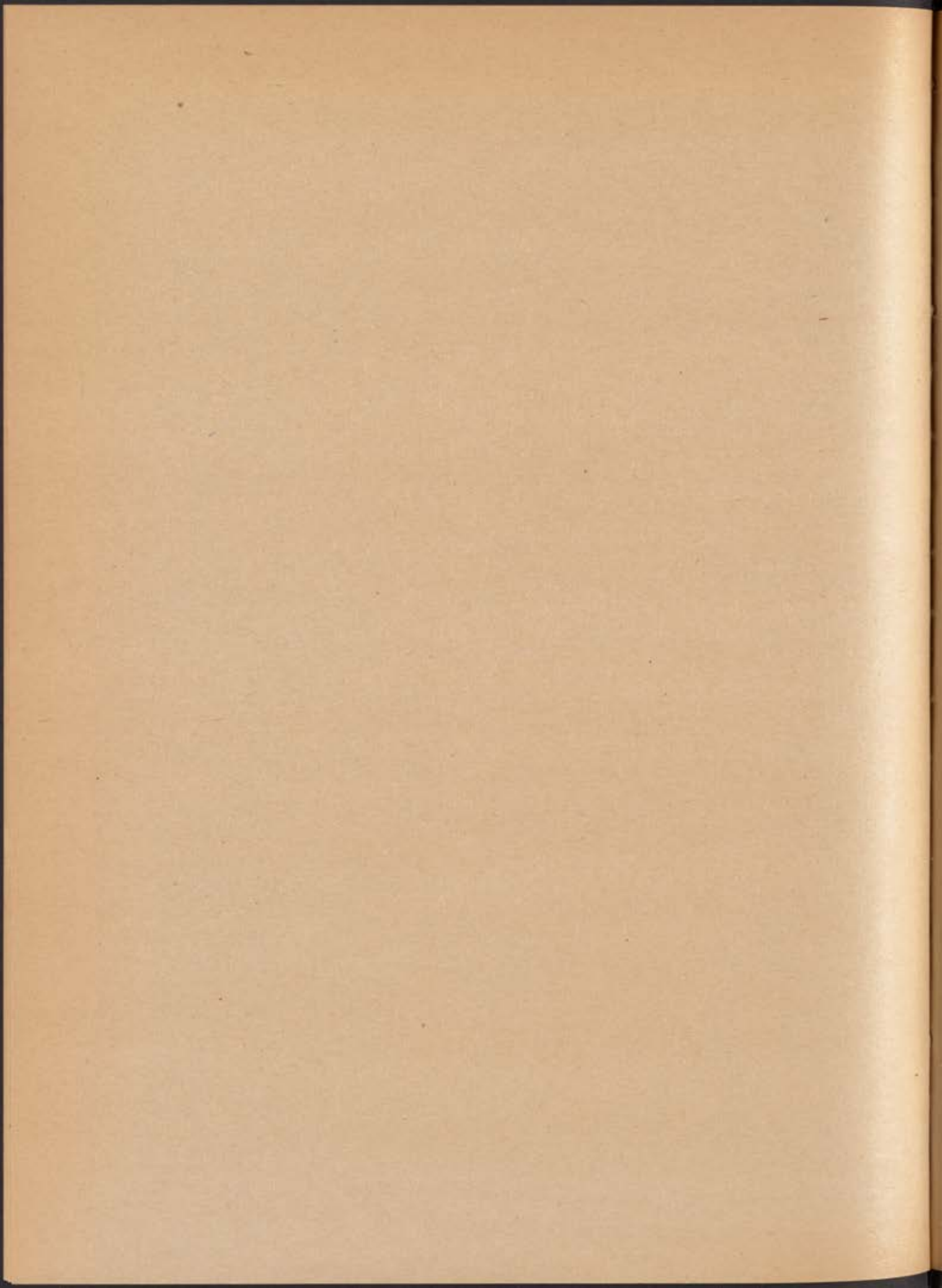
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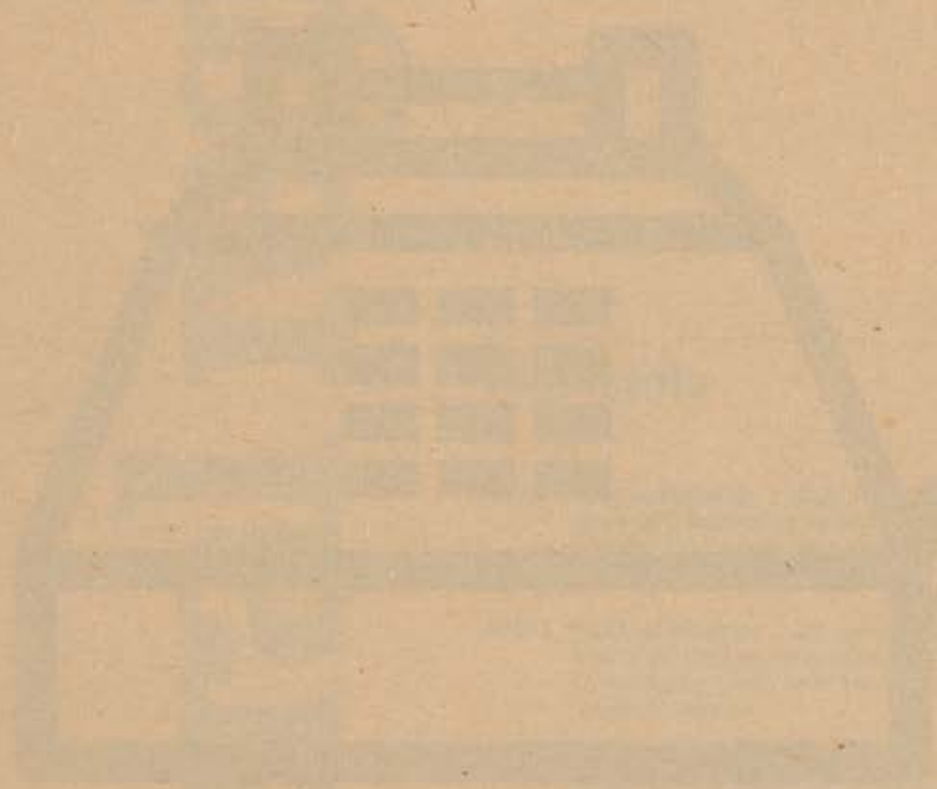
Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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