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Monday
March 9, 1981

Highlights

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

15775 **Grant Programs—Cuban and Haitian Entrants** HHS announces that applications are being accepted for grant awards to public or private organizations to assist in meeting the costs of providing services necessary to resettle Cuban and Haitian entrants in the U.S.; applications will be considered for possible funding as soon as received

15746 **Aircraft Pilots and Instructors** DOT/FAA publishes for public comment by May 11, 1981, petitions of the Balloon Federation of America, amending requirements for certification of balloon pilots and flight instructors

15768 **Motor Vehicle Pollution** EPA issues application for waiver of effective date of the 1982 model year carbon monoxide emission standard for light-duty motor vehicles

15689 **Motor Vehicles Pollution** EPA revises motor vehicle exhaust emission standards for carbon monoxide for 1982 model year light-duty vehicles; effective 4-8-81

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

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

Highlights

15852 **Horse Protection** USDA/APHIS advises the general public and the horse industry of the current designated qualified person (DQP) programs certified by the department and the currently licensed persons under each program (Part II of this issue)

15713 **Securities** SEC proposes amendments to its rules governing collection and dissemination of quotation information; comments by 5–8–81

15777 **Medicare** HHS/HCFA solicits comments for study of methods of providing coverage for orthopedic shoes

15848 **Sunshine Act Meetings**

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7760]

Income Tax; Taxable Years Beginning After Dec. 31, 1953; Deduction for Contributions to Qualified Pension Trusts

Correction

In FR Doc. 81-2300 appearing on page 6911 in the issue for Thursday, January 22, 1981, make the following correction:

On page 6915, in the first column, in paragraph (c) of § 1.404(a)-14, in the eighth line, "deductible limit for the plan" should have read "deductible limit for the taxable year is the deductible limit for the plan".

BILLING CODE 1505-01-M

26 CFR Part 1

[T.D. 7756]

Income Tax; Taxable Years Beginning After December 31, 1953; LIFO Conformity Requirement

Corrections

In FR Doc. 81-2301 appearing on page 6918 in the issue for Thursday, January 22, 1981, make the following corrections:

1. On page 6921, in the third column, in paragraph (e)(3)(v) of § 1.472-2, in the twentieth line, "method of value" should have read "method to value".

2. On page 6921, in the third column, in paragraph (e)(3)(v)(B)(*2*) of § 1.472-2, in the fifth line, "earnings." should have read "earnings." ".

3. On page 6922, in the second column, in paragraph (e)(7) of § 1.472-2, in the twelfth line, "LIFO" should have read "FIFO".

BILLING CODE 1505-01

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 1

[CGD 80-90]

Delegation of Authority to Commander, Seventeeth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule delegates to the Commander, Seventeenth Coast Guard District the authority to issue permits that exempt specific cargo-carrying vessels from certain federal laws and regulations. Authorization for these permits is contained in Public Law 94-406, enacted on September 10, 1976. The issuance of these permits makes it economically feasible for a small group of cargo vessels to continue to supply remote villages in Alaska.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Lt. R. F. Murray (G-MVI-2/24), U.S. Coast Guard, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426-2183.

SUPPLEMENTARY INFORMATION: Public Law 94-406 (90 Stat. 1236, 46 U.S.C. 420) authorizes the Secretary of the Department in which the Coast Guard is operating to issue permits exempting specific cargo-carrying vessels operating in the State of Alaska from all or part of the requirements of 46 U.S.C. 88, 391, 391a and 404, which concern vessel inspections, manning, and load lines. The exemptions will effectively involve a small group of vessels, 300 gross tons or less, which provide the only supply link to remote villages in Alaska. Coast Guard enforcement of the aforementioned laws was making the operation of these vessels economically infeasible, thereby threatening the life of the villages. The exemption legislation basically allows whatever relaxation of the standards that is deemed necessary to allow the vessels performing this service to continue operation, yet without presenting an immediate threat to safety.

Due to the exigency of the circumstances, the Seventeenth Coast Guard District (Alaska) immediately implemented the permit system as outlined in the legislation, a system which has now worked effectively for more than three years. However, formal delegation of the permit authority from the Secretary of Transportation to the Commandant of the Coast Guard was not issued until December 18, 1980 (45 FR 83402). This document therefore, redelegates that authority to the Commander, Seventeenth Coast Guard District. Since this redelegation is a matter relating to agency management, it is excepted from the rulemaking requirements of 5 U.S.C. 553, and may be made effective in less than 30 days after publication.

Drafting information: The principle persons involved in drafting this rule are Lt. Robert F. Murray, Office of Merchant Marine Safety, and Stanley M. Colby, Office of the Chief Counsel.

Evaluations: This rule has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures", 44 FR 11034 (February 26, 1979). A copy of the final evaluation may be obtained from the Commandant (G-CMC/24), U.S. Coast Guard, 2100 2d St., SW,, Washington, D.C. 20593, 202-426-2183.

In consideration of the preceding, Part 1 of Title 33, Code of Federal Regulations, is amended as follows:

PART 1—GENERAL PROVISIONS

1. By adding § 1.01-50 to Subpart 1.01 to read as follows:

§ 1.01-50 Delegation to District Commander, Seventeenth Coast Guard District.

The Commandant redelegates to the District Commander, Seventeenth Coast Guard District, the authority under the Act of September 10, 1976 (90 Stat. 1236, 46 U.S.C. 420) to issue permits exempting specific cargo-carrying vessels serving remote villages in the State of Alaska from all or part of the requirements of 46 U.S.C. 88, 391, 391a, and 404 and the regulations issued thereunder.

(90 Stat. 1236 (46 U.S.C. 420); 49 CFR 1.46(bb))

J. B. Hayes,
Admiral, U.S. Coast Guard, Commandant.
February 10, 1981.

[FR Doc. 81-7339 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Montana; Approval and Promulgation of State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves a revision to Montana's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, § 58.20, air quality surveillance, plan content. The revision establishes the State and local air monitoring stations, the maintenance of the monitoring stations and the method of data reporting and annual review for the stations. The stations monitor pollutants which have an established national ambient air quality standard.

EFFECTIVE DATE: March 9, 1981.

ADDRESSES: Copies of the materials submitted by the Governor may be examined during normal business hours at: Environmental Protection Agency, Federal Building, 301 S. Park, Helena, Montana 59626; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460; and the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Coordinator, Air, Pesticides and Solid Waste, Environmental Protection Agency, Federal Building, 301 S. Park, Drawer 10096, Helena, Montana 59626, (406) 449-5414.

SUPPLEMENTARY INFORMATION: On April 1, 1980, EPA proposed for comment in the **Federal Register** this revision to the Montana State Implementation Plan. No comments were received. Therefore, EPA is approving the revisions as proposed.

This SIP revision establishes the state and local air monitoring stations (SLAMS), the maintenance of monitoring stations, and the method of data reporting and annual reviews for monitoring stations. The SLAMS stations will monitor ambient levels of "criteria pollutants;" i.e., pollutants which have an established national ambient air quality standard (NAAQS). Once obtained, this data will be used mostly for determining compliance with the NAAQS, determining if a source which emits criteria pollutants requires controls, tracking air pollution episodes and determining the impact of certain sources. All SLAMS stations will be operated in accordance with the criteria established in Subpart B to 40 CFR Part 58, and will be sited according to Appendix E to 40 CFR Part 58. Reference or equivalent monitors will be used as defined in 40 CFR 50.1 and the quality assurance procedures will be followed as outlined in Appendix A to 40 CFR Part 58.

EPA finds that good cause exists for making this action immediately effective because the revision is already in effect under State law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 8, 1981. Under section 307(b)(2) of the Clean air Act, the requirements which are the subject of today's notice may *not* be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended.

Dated: February 26, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Montana was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. Section 52.1370(c)(9) is revised as follows:

§ 52.1370 Identification of Plan.

* * * * *

(c) * * *

(9) On Febraury 21, 1980 the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR Part 58, Subpart C, Paragraph 58.20.

[FR Doc. 81-7290 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 55

[A-3-FRC 1768-1]

Virginia Electric and Power Company's Possum Point Generating Station; Delayed Compliance Order

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is issuing an administrative order to the Virginia Electric and Power Company's Possum Point Generating Station located in Prince William County, Virginia requiring its Boilers Numbered 3 and 4 to comply by April 1, 1984, and November 1, 1982, respectively, with air pollution requirements under the Virginia State Implementation Plan. Issuance of this order will allow Virginia Electric and Power Company to burn coal in these boilers during the interim period before the installation of pollution control equipment necessary to meet all applicable emissions limitations.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Denis M. Zielinski, U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (215/597-0804).

SUPPLEMENTARY INFORMATION: EPA is issuing an administrative order developed under Section 113(d)(5) of the Clean Air Act (the "Act") 42 U.S.C. 7413(d)(5), to the Virginia Electric and Power Company (the "Company") requiring its Boilers Numbered 3 and 4 at the Possum Point Power Station in Prince William County, Virginia to comply with the Section IV Rules 2 and 3 of the Virginia State Implementation Plan by April 1, 1984, and November 1, 1982, respectively. The order requires the Company to install control equipment on Boilers Numbered 3 and 4 according to the compliance schedule set forth in the order. The order also contains interim emission reduction requirements, specifies emission limitations, fuel quality characteristics, and requires monitoring and reporting of air quality and air pollutant emissions data. Compliance with the terms of the order precludes any further enforcement by EPA under Section 113 of the Act and any citizen suits under Section 304 of the Act against the Company for violations of the provisions of the Virginia State Implementation Plan covered by the order. The order was proposed in the **Federal Register** on December 2, 1980 (45

FR 79838). In this notice EPA invited the public to submit written comments and requests for a public hearing as to whether EPA should issue the order. During the 30-day public comment period ending January 2, 1981 the only comment that was received by EPA was from the Washington, D.C., Bureau of Air and Water Quality. The comment dealt with the potential impact the Possum Point delayed compliance order (DCO) would have on the District's redesignation as an attainment area for the secondary total suspended particulate standard. Section 113(d)(5) of the Clean Air Act only authorizes EPA to ensure that the primary, not secondary, air quality standard not be jeopardized by emissions resulting from the issuance of a DCO to a major source. As stated in the "Findings" of the proposed order, the primary ambient air quality standards are not jeopardized by the issuance of the Possum Point DCO. Therefore, EPA intends to issue the DCO.

One change was made to the proposed order. This change was a clarification which dealt with the Company's particulate emission test. In the proposed DCO this test was to demonstrate compliance with Rules 2 and 3, but in actuality it would only demonstrate compliance with the particulate emission limitations in Rule 3. Compliance with Rule 2, the opacity limitation, would be demonstrated by taking visible emission observations concurrently with the particulate emission test. This change is reflected in the final rule.

Therefore, based upon the request by the Virginia Electric and Power Company, EPA's findings, and the written concurrence from Governor John N. Dalton, this order is hereby issued. In addition, this order is being made effective immediately since no purpose would be served by delaying its effective date.

(42 U.S.C. 7413 (d))

Dated: March 4, 1981.

Walter C. Barber,

Acting Administrator.

Before the United States Environmental Protection Agency

Region III

Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106

[Order No. R-111-CC-005]

In The Matter Of Virginia Electric & Power Co., Possum Point Power Station.

This order is issued pursuant to Section 113(d)(5) of the Clean Air Act ("the Act"), as amended, 42 U.S.C. 7413(d)(5). This ORDER contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this Section of the Act. Public notice has been provided pursuant to Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1), and a copy of this order has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

Order

It is hereby ORDERED that:

SIP Limitation

I. During the period this order is in effect, Units 3 and 4 shall not be subject to section IV, Rule 2 (effective March 17, 1972) and Rule 3 (effective March 17, 1972, as amended, August 11, 1972) of the Federally approved Virginia Regulations for the Control and Abatement of Air Pollution (hereinafter referred to as "Rules 2 and 3"), but shall comply with the interim limitations and compliance schedule set forth in this order. Possum Point Units 1, 2, and 5 ("Units 1, 2 and 5") and the combustion turbines located at the Possum Point Power Station shall remain subject to Rules 2 and 3. During the period this order is in effect, the total heat input for Possum Point Units, 1, 2 and 5, and the combustion turbines, shall be 11,550 million BTUs per hour, and this heat input rate will be used for determining the maximum allowable amount of particulate matter that may be emitted from these units pursuant to Rule 3. At this heat input rate, Rule 3 allows a maximum emission rate of 1,155 pounds of particulate matter per hour.

Compliance Schedule

II. The Company's Units 3 and 4 shall comply with the requirements of Rules 2 and 3 as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. For Unit 3:

1. Not later than June 1, 1981: Enter into contracts for particulate emission controls and other equipment necessary for final compliance with Rules 2 and 3.

2. Not later than January 1, 1983: Initiate on-site construction or installation of continuous particulate emission control systems.

3. Not later than January 1, 1984: Complete on-site construction or installation of continous particulate emission control systems.

4. Not later than April 1, 1984: Perform particulate emission tests and submit the test report. The test report results must demonstrate compliance with Rule 3 and said results must be obtained in conformance with the procedures set forth in Appendix A to 40 CFR Part 60. A visible emission observer certified pursuant to EPA Method 9 (40 CFR Part 60, Appendix A) must take concurrent visible emission observations which must demonstrate compliance with Rule 2.

B. For Unit 4:

1. Not later than April 1, 1980: Enter into contracts for particulate emission controls and other equipment necessary for final compliance with Rules 2 and 3.

2. Not later than August 1, 1981: Initiate on-site construction or installation of continuous particulate emission control systems.

3. Not later than August 1, 1982: Complete on-site construction or installation of continuous particulate emission control systems.

4. Not later than November 1, 1982: Perform particulate emission tests and submit the test report. The test report results must demonstrate compliance with Rule 3 and said results must be obtained in conformance with the procedures set forth in Appendix A to 40 CFR Part 60. A visible emission observer certified pursuant to EPA Method 9 (40 CFR Part 60, Appendix A) must take concurrent visible emission observations which must demonstrate compliance with Rule 2. For the purposes of determining compliance with Rule 3, Unit 4's heat input (2,332 million BTUs per hour) shall be added to the heat input of Units 1, 2, 5 and the combustion turbines. The total heat input for Units 1, 2, 4, 5 and the combustion turbines shall be 13,882 million BTUs per hour, and this heat input will be used for determining the maximum allowable amount of particulate matter that may be emitted from these units pursuant to Rule 3. At this heat input rate, Rule 3 allows a maximum emission rate of 1,388 pounds of particulate matter per hour.

C. In the event the Company is unable to comply with any of the schedule increments established in subparagraphs II.A or II.B above, and such failure is caused by or due to circumstances beyond the control of the Company, the time for compliance with such schedule increment and all subsequent schedule increments shall be extended for a period equal to the delay resulting from such circumstances. Any delay that is caused by such circumstances shall not be deemed a violation of this order. Increased costs or expenses associated with the implementation of actions called for by this order shall not, by themselves, be considered circumstances beyond the control of the Company for the purposes of this paragraph. The burden of proving that any delay is caused by circumstances beyond the control of the Company shall rest with the Company.

III. With respect to the interim milestones contained in the Compliance Schedule set out in subparagraphs (A) and (B) of Paragraph II hereinabove, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than ten (10) calendar days after each milestone has been achieved, but no later than ten (10) calendar days after the final date set for achieving each such milestone, if it has not been achieved. Furthermore, the Company shall submit a construction progress report to said Director no later than four (4) months after the effective date of this order and every four (4) months thereafter.

Interim Requirements

IV. During the period this order is in effect, Units 3 and 4 shall comply with the following interim requirements:

A. Units 3 and 4 shall burn coal with an ash content not to exceed 8.5 pounds of ash per million BTU's (*e.g.*, coal having an ash content of twelve percent (12%) and a heating value of twelve thousand (12,000) BTU's per pound, or the equivalent thereof).

B. Unit 3 shall not at any time emit in excess of one thousand four hundred and

thirty-nine (1.439) pounds of particulate matter per hour at maximum load.

C. Unit 4 shall not at any time emit in excess of three thousand nine hundred and sixty-four (3,964) pounds of particulate matter per hour at maximum load.

D. The Company shall continue to take measures to improve the performance of the particulate emission control equipment on Units 3 and 4 where it is reasonable and practicable to do so. Such measures may include, but are not limited to, adjustments and modifications to the existing control equipment or the training of operators to optimize particulate emission control equipment performance. Any modifications to this order shall be made by the Administrator pursuant to Section 113(d)(5) of the Act and promulgated pursuant to the procedures for informal rulemaking.

V. The Company is not relieved by the terms of this order from compliance with any requirement imposed by EPA and/or the courts pursuant to Section 303 of the Act.

Emission Monitoring and Reporting Requirements

VI. The Company shall comply with the following emission monitoring and reporting requirements at the Possum Point Power Station on or before the dates specified below:

A. Emission and Ambient Air Quality Monitoring

1. No later than thirty (30) calendar days after the effective date of this order, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a proposal for an air quality monitoring network to be set up by the Company in the vicinity of the Possum Point Power Station. Said network shall include monitors capable of measuring 24-hour average particulate concentrations and may include the monitors currently owned and operated by the Company.

2. No later than ninety (90) calendar days after receiving EPA approval of the network proposed under subparagraph VI.A.1. of this order, the Company shall complete installation of and begin operation of the EPA-approved network, including any modifications made in the network by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III.

3. No later than ninety (90) calendar days after the effective date of this order, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, the methods, procedures and devices the Company intends to use to obtain the information required by subparagraph VI.B of this order.

4. No later than thirty (30) calendar days after receiving EPA approval of the monitoring and information gathering system proposed under subparagraph VI.A.3. of this order, the Company shall implement such system as approved by EPA, including any modifications to the proposed system made by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III. Said Director may allow additional time to install monitoring equipment.

5. No later than sixty (60) calendar days after commencing the burning of coal as the primary energy source in Units 3 and 4, the Company shall perform particulate emissions tests on Units 3 and 4. Furthermore, no later than September 1, 1982, the Company shall perform additional particulate emissions tests on Unit 3. Such tests shall be performed in accordance with Appendix A of 40 CFR Part 60 (1979). The Company shall provide written notification to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days prior to the scheduled date for conducting such tests. The Company shall submit to the Regional Energy Coordinator, EPA Region III, a complete written report containing all information pertinent to the performance and results of the particulate emissions tests on Units 3 and 4 no later than thirty (30) calendar days after completing such tests.

6. No later than thirty (30) calendar days after the effective date of this order, the Company shall install and operate continuous opacity monitors required under subparagraph VI.B.1.c of this order.

7. No later than ninety (90) calendar days after the effective date of this order, the Company shall conduct a Performance Specification Test (PST) for the continuous opacity monitors required in subparagraph VI.A.6. of this order in accordance with Performance Specification 1, Appendix B, 40 CFR Part 60 (1979). The Company shall submit written notice to the Regional Energy Coordinator, EPA Region III, at least thirty (30) calendar days prior to conducting the PST.

8. No later than forty-five (45) calendar days after the completion of the PST required under subparagraph VI.A.7. of this order, the Company shall submit a written report containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping and Noncompliance Reporting

1. The Company shall maintain monthly records both of air quality monitoring data and of air pollutant emissions. The Company shall submit copies of these records to the Regional Energy Coordinator, EPA Region III, no later than fifteen (15) calendar days after the end of each calendar month. Said air pollutant emission records shall detail daily particulate emissions from Units 3 and 4 as determined by the application of EPA emission factors and shall at minimum include:

a. A description of the types and amounts of fuel consumed each day of the preceding month;

b. An analysis of the fuel received each week including sulfur content, ash content and high heating value; and

c. For Units 3 and 4, a record of the opacity acquired by means of continuous opacity monitoring devices in the stacks for Units 3 and 4. Such continuous opacity monitoring devices shall be installed, calibrated, and maintained in accordance with Performance Specification 1, Appendix B of 40 CFR Part 60.

2. No later than thirty (30) days after the effective date of this order, the Company shall submit for EPA approval procedures by which the Company will obtain and record data about the operating parameters of the electrostatic precipitators on each coal-fired unit at the Possum Point Power Station. Said procedures shall be implemented within thirty (30) days after they are approved by EPA. The Company shall also maintain records of discharge electrodes which are shorted or cut out. The records and data collected pursuant to this subparagraph shall be kept on file at the Possum Point Power Station for not less than twelve (12) months after they are collected and shall be available for inspection by EPA during that time.

3. If, for any reason, the Company does not comply or will be unable to comply with any requirement of this order, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than five (5) calendar days after becoming aware of such noncompliance. Such notice shall include:

a. A description of the noncompliance and its cause;

b. The period during which noncompliance has occurred and/or is expected to occur; and

c. The steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

4. If the air quality monitoring data collected by the Company pursuant to subparagraph VI.A. of this order indicate that the national primary ambient air quality standards for particulates are being exceeded, the Company shall notify the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, of such occurrence by telephone or other means, no later than seventy-two (72) hours after the Company becomes aware of such noncompliance. This notification shall be followed by a letter no later than seven (7) days after such notification.

C. Control Equipment Performance

1. No later than sixty (60) calendar days after the effective date of this order, and every six (6) months thereafter, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a report that describes the Company's efforts during the reporting period to improve the performance of the particulate emission control equipment on Units 3 and 4, as required in subparagraph IV.D. of this order.

VII. The period of effectiveness of this order shall not include any interval after EPA finds and notifies the Company that (1) a national primary ambient air quality standard for particulates is being exceeded in the National Capital Intrastate AQCR and (2) the Company has failed to submit evidence, or, if such evidence has been submitted, it is inadequate in the judgment of EPA to show, that the requirements of Sections 113(d) (5) (D) (i) through (iii) of the Act have been satisfied. During such intervals, if any, full compliance with the standards and limitations of the SIP (excluding this ORDER) shall be required of the Company, and violations by the Company of the SIP shall be subject to enforcement action under any and all authorities of Section 113 of the Act.

VIII. Nothing herein shall affect the responsibility of the Company to comply with

any other applicable State, local or other Federal Regulations.

IX. The Company shall submit a copy of all correspondence and reports required under this order to the Director, Enforcement Division, EPA Region III.

X. The Company is hereby notified that its failure to achieve final compliance at its Possum Point Power Station with the applicable particulate emission regulations of the Virginia SIP by November 1, 1982 for Unit 4 or April 1, 1984 for Unit 3, or such other date as may be specified in a second order pursuant to Subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act, 42 U.S.C. 7240. Such requirement may be imposed at an earlier date, as provided by Sction 113(d) and Section 120 of the Act, in the event that either this order is terminated as provided in Paragraph XI below, or in the event that any requirement of this order is violated as provided in Paragraph XII below. In any event, the Company will be formally notified, pursuant to Section 120(b)(3) of the Act and any regulations promulgated thereunder, of its noncompliance.

XI. This order shall be terminated in accordance with Section 113(d)(6) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that the inability of the Company to comply with Rules 2 and 3, as approved by EPA, no longer exists with respect to its Possum Point Power Station. In addition, if the Company is able to demonstrate compliance with Rules 2 and 3 prior to April 1, 1984, then this order may be terminated at that earlier date by mutual agreement of the Administrator and the Company.

XII. Violation of any requirement of this order shall result in one or more of the following action:

A. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c);

B. Revocation of this order, after notice and opportunity for a public hearing;

C. Notification of noncompliance and commencement of action pursuant to Section 120 of the Act.

XIII. This order is effective March 9, 1981, and after having received concurrence from the Governor of the Commonwealth of Virginia.

Dated: March 4, 1981.

Walter C. Barber

Acting Administrator or Delegatee, U.S. Environmental Protection Agency.

Waiver of Rights to Challenge Order

Virginia Electric and Power Company (the "Company"), by the duly authorized undersigned, hereby consents to the findings made and to the terms of this order and waives any and all rights under provision of law to challenge this order; however, the Company expressly reserves the right to assert any other defense or to seek such other relief as may be available to it in any enforcement action or other action taken pursuant to this order or otherwise.

[42 U.S.C. 7413(d))

Dated: January 20, 1981.

Morris Brehmer.

Dated February 11, 1981.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-7402 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[EN-FRL 1765-4]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for two 1982 model year light-duty vehicles belonging to engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). The effect of this regulation is to allow the affected manufacturers to introduce into commerce the vehicles in question under the higher waived CO emission standard prescribed here.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Varela, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-9421.

Public Docket

Information relevant to this rule is contained in Public Docket EN-80-16 at the Central Docket Section of the Environmental Protection Agency (EPA) Gallery I, 401 M Street SW., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (gpm).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Ford Motor Company (Ford) and General Motors Corporation (GM), each submitted applications for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver applications, and my decisions to grant the waiver applications appear in the decision along with this rule and are published elsewhere in this issue of the **Federal Register**. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the 1982 model year only:

Manufacturer	Engine family
Ford Motor Company	2.3 liter/turbocharged.
General Motors Corporation	1.6 liter.

Once I have decided to grant the waiver applications for these 1982 model year vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from 1982 model year vehicles of these models to exceed 7.0 gpm. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Moreover, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a

significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standards established by this rule impact directly only on GM and Ford, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: March 2, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

40 CFR 86.082–(a)(1)(ii) is revised to read as follows:

§ 86.082–8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corporation	151 CID.
	258 CID.
BL Cars, Ltd	215 CID.
	326 CID.
Chrysler Corporation	1.6 liter.
	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2V.
	5.2 liter/4V.
Ford Motor Company	1.6 liter.
	2.3L/Turbocharged.
General Motors Corporation	1.6L.
	1.6/2.0 liter.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
Toyota Motor Company, Ltd	88.6 CID.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 81-7279 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129; FCC 81-24]

Inland Maritime Public Correspondence Coast Station Network; Amendment of Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the rules to provide a frequency allocation in the 216–220 MHz band for automated, interconnected river-wide maritime communications sytems on the Mississippi River and connecting waterways. Further, the basic technical standards applicable to the operation of such systems are set forth. This action is being taken as a result of a number of related petitions from certain towboat and barge industry representatives seeking an automated, interconnected communications system on the Mississippi River System in order to relieve congestion and expand the communications services available. We expect this action will allow for the implementation of the type system desired and provide the improvements sought by the towboat and barge industry on the Mississippi River System.

EFFECTIVE DATE: April 13, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Robert McNamara or Robert DeYoung, Private Radio Bureau (202) 632–7175 or;

Robert Eckert, Office of Science and Technology (202) 653–8109.

SUPPLEMENTARY INFORMATION:

Adopted: January 29, 1981.

Released: March 11, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of amendment of Parts 2, 81 and 83 of the Commission's Rules to allocate spectrum for an automated inland waterways communications system (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio Services: improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers areas and on the coastlines of the contiguous states.

Report and Order

1. By this action we find that it is in the public interest to provide for a fully automated, integrated, interconnected, river-wide, maritime communications system on the Mississippi River System. Further, we find that this service can best be provided in the 216–220 MHz band and, therefore, are allocating frequencies in the 216–220 MHz band for use by such an automated, integrated system or systems on a not to interfere basis with television reception. Additionally, we are dismissing without prejudice Waterway Communications System, Inc.'s Section 214 application (W–P–C–2279) for a certificate of public convenience and necessity for such a system and assignment of frequencies.

Background

2. Over the last few years the Commission has received a number of related requests to authorize and provide radio frequencies for an automated, interconnected marine communications system on the Mississippi River System.[1] Primarily, these requests have been from tug, towboat and barge operators who serve the Mississippi River transportation system. These tug and barge operators have found the present ship-to-shore communications service on the rivers inadequate to meet their needs.

3. Ship-to-shore communications on the rivers are currently provided by a medley of individually owned and operated coast stations. Various public and limited coast stations [2] provide voice communications on very high frequencies (VHF), medium frequencies (MF) or high frequencies (HF). Most coast stations use the VHF band to provide local area service. The call setup and billing procedures (in the case of public coast stations) are manual in nature and vary from station to station. There is no riverwide automatic station integration to provide continuity of service.

4. Certain tug, towboat and barge operators have endeavored for some time to obtain authority to install a communication system on the Mississippi River System which would meet their perceived requirements. At the industry's 1970 annual meeting this matter was discussed with members of the Commission's staff. The staff at that time suggested that a landline interconnected VHF system, integrated to provide service throughout the

[1] As used here, the Mississippi River System is understood to include navigable waters encompassing the lower and upper Mississippi River and the waterways connecting thereto. (The U.S. Army Corps of Engineers Report "Waterways Commerce of the United States" shows tonnage moved into the Mississippi River from the following connecting waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black (Wisc.), Calcasieu, Cumberland, Green/Barren, Hiwasse, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo rivers. The canal project currently under construction to connect the Tennessee and Tombigbee Rivers will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.)

[2] Limited coast stations serve the operation and business needs of ships. The communications services of these stations are not available to the public for hire. Public coast stations offer their services to the public for hire.

Mississippi River System be developed. Based thereon, Motorola (in 1971) proposed such a system employing microwave, landline and VHF. This proposal was eventually rejected.

5. Working with the American Waterways Operators (AWO), the Maritime Administration (MARAD) contracted with ARINC Research to study the communications needs on the rivers and to propose an adequate solution. ARINC Research's 1974 report formed the basis for the decision by MARAD and AWO to install a jointly funded prototype system along approximately 400 miles of the Mississippi and Ohio Rivers. Waterways Communications System, Inc. (Watercom) was formed as the licensing and implementing organization. Although applications were filed, they were never granted and thus the prototype system was not implemented.

6. The fundmental barrier to the establishment of a river-wide system has been the lack of adequate spectrum under existing allocations. Congestion on existing VHF maritime frequencies, particularly in the lower Mississippi (i.e., the Gulf of Mexico to Baton Rouge) has become a major problem for the maritime industry. In an attempt to deal comprehensively with frequency requirements and other regulatory problems a number of petitions were filed by interested parties.

7. Briefly, the referenced petitions are described below:

(a) RM-3101 filed by Waterway Communications Systems (3-11-75) requested that 4 duplex VHF channels from presently available Appendix 18 frequencies allocated to marine services in the U.S. be made available, for an automated, integrated maritime public correspondence system in the Mississippi River System.

(b) RM-3128 filed by the American Waterways Operators (6-1-78) requested that a number of "unused" and "underused" frequencies from Appendix 18 [3] now allocated to the land mobile services be reallocated to the maritime mobile service in the areas of New Orleans and the lower Mississippi River.

(c) RM-3129 filed by the American Waterways Operators (6-1-78) requested that all of the Appendix 18 frequencies now allocated to the land mobile services be reallocated to the maritime mobile service within 150 kilometers of the coastline of the continental US or the Mississippi River and connecting waterways, effective June 1, 1983.

(d) W-P-G-2279 filed by Waterways Communications System (9-29-78) requested that the Commission determine pursuant to Section 214 of the Communications Act [4] that there is a public need for the proposed system, that 4 duplex channels be made available now and this number be expanded to 10-13 duplex channels by 1985, and that Watercom be authorized to construct and operate an IWCS.

In addition, WJG, Inc. filed a petition (RM-2946) requesting that the Commission's rules be amended to permit authorization of an automated direct-dual VHF system in the maritime service. While related, theWJG petition does not involve allocation of additional frequencies or authorization of a new system and, thus, is being considered on its own merits in a separate rulemaking proceeding.

8. In order to resolve the serious spectrum allocation problems facing any proposed inland waterways communications system (IWCS), we consolidated the first three rulemaking petitions noted above. A *Notice of Proposed Rule Making, Order, and Notice of Inquiry* (hereafter *Notice and Order)* was released January 11, 1980.[5] In the *Notice and Order* we acknowledged (based on the petitions and referenced ARINC study) an apparent need for an integrated, automated and interconnected ship-to-shore communications system along the Mississippi River system capable of providing voice, data transfer, facsimile and radioteleprinter communications. We estimated that 13-15 duplex channels would be required by such a system by 1983. This requirement was believed to be in addition to the existing VHF public coast stations which will continue to be needed for the foreseeable future to accommodate those unable or unwilling to participate in such a system.

9. However, we also concluded that the proposals in RM-3128 (reallocation of "unused" or "underused" Appendix 18 land mobile frequencies in the New Orleans and lower Mississippi areas) and RM-3129 (reallocation of Appendix 18 frequencies within 150 kilometers of the inland waterways or the coastline) would be impractical and undesirable. Essentially, these proposed reallocations were found to be very costly, significantly disruptive to other services [6] and would take 8 to 10 years to implement. Thus, RM-3128 and RM-3129 were denied regarding the requested reallocation of Appendix 18 frequencies currently used by land mobile and other radio services. Likewise, in view of the present congestion on VHF maritime frequencies and estimated system spectrum requirements, RM-3101 was denied regarding the 4 duplex channels from currently allocated VHF maritime frequencies which were requested.

10. Nevertheless, having determined that there is a substantial need for increased capacity for present and future maritime communication requirements on the Mississippi River System, we proposed three potential alternatives: (a) allocation of frequencies in the 216-220 MHz band, (b) incorporation of a river-wide system in the cellular mobile systems planned for 806-890 MHz band, and (c) accommodation in the present maritime VHF spectrum by the use of single sideband (SSB) or FM offsets.

11. The proposal for allocation of spectrum in the 216-220 MHz band looked toward the use of 14 frequency pairs with 3 MHz between the transmit and receive frequency and 25 kHz channels. Although this band is currently allocated to the Federal Government on a primary basis and to non-Government licensees on a secondary basis, Government operations have been largely phased out and the band is available.[7] Briefly, the apparent advantages of the 216-220 MHz band were described as follows:

(1) Basically as proposed by the United States, the band was allocated to the Maritime Mobile Service on a primary basis for Region 2 by the 1979 World Administrative Radio Conference of the International Telecommunication Union;

[3] This refers to Appendix 18 of the *ITU Radio Regulations* which contains the frequency bands in the 150-170 MHz region allocated internationally for maritime mobile use. The specific bands are 156.025-157.425, 160.625-160.975, and 161.475-162.025 MHz. These bands were allocated internationally for maritime use by the 1959 World Administrative Radio Conference (WARC). The 1959 WARC, however, also adopted footnote No. 287 Mar 2 in Article 5 of the ITU Radio Regulations which, in effect, permits the continued use of some of the frequencies in Appendix 18 for other than maritime purposes. For convenience we will refer to all of these frequencies as "Appendix 18" frequencies.

[4] 47 U.S.C. 214. This Section requires, *inter alia*, a common carrier to obtain from the Commission a certificate of public convenience and necessity before constructing or extending new lines.

[5] General Docket No. 80-1, FCC 80-2, 45 FR 3064. Three Errata were issued: mimeo 15497, 45 FR 6967; mimeo 15647, 45 FR 13477; mimeo 15775, 45 FR 17043.

[6] These frequencies are used by Railroad, Police, Highway Maintenance, Local Government radio services and Remote Pickup Broadcast stations.

[7] Government use of the band is mostly for radiolocation, point-to-point and telemetering purposes. The band is used by non-Government stations for mobile telemetry.

(2) The propagation characteristics are very favorable;

(3) Adequate spectrum exists to accommodate system requirements for the foreseeable future;

(4) This band is close to the present maritime VHF band and thus existing design technology can be utilized; and

(5) An automated, integrated interconnected communications system could be implemented without significant delays.

The major disadvantage of employing the 216–220 MHz band for an IWCS is the potential for interference with television receivers operating on Channel 13 along the Mississippi River System.

12. The proposed allocations in the 806–890 MHz band considered authorization of frequencies adjacent to or within bands allocated for common carrier land mobile radiotelephone systems using cellular technology. Here the intention would be to merge the river service with the land mobile telephone service at the earliest opportunity. The advantages of this proposal were viewed as:

(1) Adequate spectrum would be available to accommodate present and future inland waterways communications requirements;

(2) The eventual integration of the maritime system into a nationwide mobile radiotelephone facility would have significant advantages in terms of nationwide service, flexibility and cost savings; and

(3) The use of this band avoids the potential interference problems present in the 216–220 MHz band.

The disadvantages were indicated to be:

(1) Greater inherent propagation limitations as compared with the 216–220 MHz band as well as lack of operational data on propagation characteristics of 800 MHz frequencies in rural and river areas; and

(2) Potential delays in the implementation of an IWCS due to the fact that cellular systems are in the development stage and significant regulatory problems must be resolved and technical standards adopted prior to operation on a regular basis.

13. While it appeared that the allocation of frequencies in the 216–220 MHz band or frequencies allocated for cellular systems in the 806–890 MHz band had the best potential, we indicated we would consider further the use of SSB and FM offset techniques in parallel with the existing VHF–FM maritime mobile systems along the river system. Although both of these techniques seemed to be a little ahead of their time for implementation in the near future, the great potential for more intensively utilizing the existing spectrum required further investigation and comment.

14. In the *Notice and Order* we additionally noted that an inland waterways communications system should have most, if not all, of the following characteristics: (1) a 24 hour communications capability, (2) provision for voice, facsimile, data transfer and radioteleprinter, (3) standardized and automatic operation, (4) full integration of shore stations, allowing continuous communications river-wide, (5) capability for vessels to be contacted directly without need for a constant listening watch, and (6) sufficient frequencies to handle peak traffic loads.

15. In light of this general discussion, we requested comments on the proposals and issues raised as well as specific and factual information. We asked for comments and information on the spectrum needs of an IWCS in the foreseeable future, particularly in view of our estimate that 13–15 duplex channels would be required by 1983. We invited comments addressing the advantages and disadvantages of the bands proposed for such a system. The hope was expressed that commenters would address economic and regulatory considerations as well as the technical merits.

16. In regard to the 216–220 MHz band proposal we specifically asked for comments concerning the feasibility of employing 2 MHz spacing between transmit and receive channels. We also requested comments concerning the potential seriousness of the interference problem with television broadcast stations and possible methods for minimizing the problem through system design, frequency selection or other means.

17. Regarding the 806–890 MHz band, commenters were asked to discuss what, if any, special rules and technical standards would be necessary to fit maritime communications into the cellular concept. Comments were also requested on the desirability of use of adjacent reserve bands and regulatory issues required to be resolved prior to authorization of a maritime system.

18. Comments were also requested concerning the applicability of SSB and FM offset techniques in the present maritime VHF band for satisfying the proposed system requirements.

19. Further, since the proposed system should be automatically interconnected with the public telephone system and should provide for voice, data transfer, facsimile and radioteleprinter communication, we asked whether uniform standards for interconnection and non-voice communications should be established. Standardization would assure interoperability between vessels and any coast station in the system or systems. It also would facilitate competition in the production of equipment. On the other hand, we noted that standardization at this time might stifle innovation, freeze technology and limit the flexibility of equipment and system designers. A set of standards for employment of the 216–220 MHz band and related questions were included in Appendix C to the *Notice and Order*.[8] If standardization was considered necessary, we requested comments regarding the suitability of these standards.

20. Briefly summarizing, in the *Notice and Order* we:

(a) acknowledged the apparent need for an automated, integrated, interconnected ship-to-shore communications system on the Mississippi River System, in addition to the existing public coast stations;

(b) proposed to allocate frequencies in either the 216–220 MHz band or the 806–890 MHz band for such a system;

(c) invited comments on the advantages and disadvantages of the two bands and the need for standards for integration and nonvoice communications;

(d) requested further comments on the applicability of SSB or FM offset techniques for satisfying a river system's requirements;

(e) granted petitions RM–3128 and RM–3129 to the extent consistent with the *Notice and Order* and otherwise denied them;

(f) granted petition RM–3101 to the extent consistent with the *Notice and Order* and otherwise denied it; and

(g) took *no* action in regard to the Section 214 application W–P–C–2279 filed by Watercom.[9]

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[8] We did not include a set of standards for an inland waterways system using the 806–890 MHz band because the basic technical standards to be developed for land mobile cellular systems would of necessity be adopted for the maritime system. The development of such standards for cellular systems is being considered in CC Docket No. 79–318.

[9] The Marine Telephone Operators Association (MTOA) filed a petition for reconsideration of the *Notice and Order*. Essentially, MTOA believed that the Commission's action in effect granted Watercom a certificate of public convenience and necessity under Section 214 of the Communications Act. In the *Memorandum Opinion and Order* adopted June 11, 1980, FCC 80–337, the Commission denied the petition because the *Notice and Order* merely granted in part petitions for rulemaking to the extent they were consistent with a proceeding looking toward the allowance of frequencies and technical standards for an automated,

Continued

Comments

21. Numerous comments and reply comments were filed by interested parties. The commenters are listed alphabetically in Appendix A. Essentially, comments were filed by various maritime interests, broadcasters, interested Government agencies, land mobile radio service users, and amateur radio operators.[10] Appendix A also lists the commenters under the general group interest with which they are associated. We will briefly highlight the comments and reply comments within the framework of the various groups of commenters.

Maritime Interests

22. The commenters considered primarily to represent maritime interests can be divided into two sub-groups, the communications users (i.e., boat and barge operators) and existing public coast station licensees.

Need for IWCS

23. All the commenting users strongly support the IWCS concept. Although most of the public coast station licensees generally support the concept, it is not unanimous. Ship to Shore Telephone Company (STST) criticizes the entire rulemaking proceeding and the IWCS concept. It believes that this proceeding tends to unjustly criticize the service of present VHF public coast stations and will result in a substantial loss of business. STST suggests that any rulemaking providing for an IWCS should include provisions fostering fair competition among all existing public coast stations. WJG Telephone Company joins STST in attributing delay in the relief of congestion on VHF public correspondence frequencies on Commission inaction on petitions which would improve service (see paragraph 7 regarding RM-2946).

Frequency Allocation

24. The users also strongly support a frequency allocation in the 216-220 MHz band. Essentially, they consider the propagation characteristics better, which in turn reduces the number of coast stations needed throughout the system. Also the prospect of quicker implementation (as opposed to the 806-890 MHz band) was emphasized. Watercom is the only user organization that comments on the use of SSB or offset techniques in the VHF-FM Maritime band. It indicates that a number of problems are presented by such techniques, such as the equipment now in use would not be tolerant of offset channels; accuracy requirements of SSB demodulation would be for 1 x 10 stability at 150 MHz which would be relatively expensive, and that its highly unlikely that the 25 kHz spacing between channels in the VHF-FM marine band would be able to accommodate the IWCS requirements.

25. The licensees of public coast stations located on the rivers supported allocation of frequencies in the 216–220 MHz band. Primarily, they consider the propagation characteristics most favorable and feel this allocation would be consistent with the U.S. proposal adopted by the 1979 WARC allocating this band to the Maritime Mobile Service in Region 2. RadioCall Corporation and Gulf Coast Communications, [11] licensees of coast stations not located on the river system, prefer allocation of the 806–890 MHz band primarily because of the potential for future nationwide use. They believe equipment is readily available and that with the large potential market in the cellular service there will be more incentive for manufacturers to produce competitive products at lower costs per unit.

System Standards

26. Almost all of the users requested that technical standards not be adopted at this time. Watercom argues that detailed technical standards (i.e., beyond basic channelization and signalling) should not be established since much of the necessary equipment is not currently available. It feels devolpmental experience and marketplace judgment should be given an opportunity to work. Therefore, Watercom suggests that the Commission require applicants for the use of the allocated frequencies to file detailed plans to demonstrate compliance with the goals and requirements communicated in this proceeding. Amcom, Inc. and its affiliate American Commercial Barge Line Company (ACBL) stressed this point, stating that more time is needed in order to collect and analyze data. They indicate that their developmental digital transmission system will provide such data at the end of the developmental period. ACBL also requested that 4 duplex and 8 simplex frequencies be reserved to accommodate private users who may desire to establish wide area operations.

27. In its comments, Watercom suggested that any future IWCS authorized by the Commission meet three basic requirements: (1) that the system be fully automated, (2) that it have trunked frequency usage, and (3) that the system be operated river-wide. Watercom further requests that all applicants be requested to set forth their detailed plan to demonstrate compliance with Commission's requirements. Watercom submitted a proposed frequency allocation plan for the 216–220 MHz band which would provide for 60 channels of which it requests 20 channels leaving 40 channels to be allocated to competing systems. Watercom also indicated that FM channels should be spaced at 25 kHz; a full duplex operation with 1.5 MHz separation between transmit and receive frequencies was feasible; and nonvoice transmissions not exceeding voice channel limitations should be acceptable. Watercom noted that the maximum output of ship stations should be 25 watts and that of coast stations should be 50 watts. A frequency tolerance of 10 parts per million (PPM) for ship-stations was also proposed. Watercom further ascertains that potential interference to Channel 13 can be avoided by coordination of shore site location, use of directional antennas and other good engineering practices. Also, Watercom dismisses the potential interference with two receiver sites of the U.S. Navy SPASUR system by stating that it will temporarily restrict use on part of their proposed frequency channel plan.

28. WJG advocates that the Commission limit the scope of this proceeding to the selection of a band for the IWCS and that the Commission set the technical standards in another Notice of Proposed Rule Making. Rivercom does not consider it necessary to mandate technical standards beyond essential channel characteristics. However, it strongly supports a standardized signal format to enable independent systems to compete effectively. Rivercom considers either 2 or 3 MHz spacing adequate between transmit and receive channels, 20 kHz channels feasible, frequency tolerance between 2.5–5 PPM reasonable, and power outputs of 25 watts for ships and 50 watts for coast stations desirable. Further, Rivercom submits a plan for an

interconnected river system. No action on the Section 214 application was taken. The Commission further pointed out that no final actions have been taken in this proceeding and that the Section 214 application was in a pending status.

[10] In paragraph 26 of the *Notice and Order* the phrase "216–225 MHz band" appeared in lieu of "216–220 MHz band." Although this error was corrected by the *Third Errata*, many amateurs filed comments opposing the use of the 220–225 MHz portion of the band. In view of the correction, and the document as a whole, the comments received from the amateurs are moot and will not be further considered in this proceeding.

[11] Although these two comments were filed after the close of the comment period, we are including them in the record of this proceeding in order to develop as complete a record as possible upon which to base our decision.

inland waterways communications system which would not require interconnection between stations in the system. Essentially, Rivercom is concerned that any eligibility rule for an automated river system permit participation by existing public coast station licensees. It argues that sufficient channels (minimum of 50 duplex channels) should be provided to permit competition, and that the Commission is compelled to assure that existing licensees are able to compete fairly with automated systems.

Other Issues

29. Although AT&T supports an IWCS concept and the allocation of the 216–220 MHz band, it indicates that many public coast stations will be so adversely affected that their economic viability will be jeopardized. Therefore, AT&T urges that these coast stations be permitted to discontinue manual service upon notice to the Commission. Further, AT&T suggests that an automated station in the service contours of such a coast station be required to provide manual service in order to permit users to continue to use their equipment for a reasonable period. Lafourche Telephone Company urges that existing coast stations be given priority for assignment of any new frequency allocation. Lafourche feels that the Commission should be more concerned with local or regional requirements, with the Lower Mississippi given special attention.

30. Watercom believes that mobile licensing should be considered derivative of a common carrier system authorization. In that vessel to vessel contact will use a shore station as a relay point, it sees little need for a separate vessel licensing requirement. Finally, Watercom recommends certain rule changes to assist in implementing the policy that an IWCS operate independently of, and in parallel with, existing maritime mobile stations.

Broadcasters

Frequency Allocation

31. Comments filed by Television broadcasters were primarily from licensees of stations operating on Channel 13 (210–216 MHz). All of the broadcasters oppose the allocation of the 216–220 MHz band for an IWCS because of possible interference to Channel 13 along the Mississippi River system. Gateway Communications and RKO state that interference to other channels may also be experienced. Two of the broadcasters favor the allocation of the 806–890 MHz band for an inland waterways system. However, the Association of Maximum Service Telecasters (MST) also opposes the allocation of the 806–890 MHz band because of potential image interference with UHF television stations operating, or which may operate in the future, on UHF Channels 58–61 and 66–69. MST proposes using the present VHF maritime band by employing offset techniques and conversion from 25 kHz channels to 15 kHz channels.

32. Gilmore Broadcasting noted that the 216–220 MHz could be utilized by an IWCS if a number of changes were made to the Commission's proposal. Essentially, Gilmore's suggestions are as follows: (a) revise the tentative allocation set forth in Attachment A of the Notice and Order so that channeling would begin with 217.6675 MHz, (b) provide a 2 MHz separation between the transmit and receive frequencies, and (c) provide in the rules that licensees of coast stations are obligated to resolve reasonable complaints of television interference involving mobile and coast stations. Mid-America Television, although opposed to the use of 216–220 MHz frequency band, stated that if the Commission should decide to locate the IWCS in this band, use of the lower part of the 216–220 MHz frequency band should be avoided within 90 miles of any channel 13 transmitters. They also recommended that the Commission should limit the Maximum Effective Radiated Power (ERP) of the ship stations to 25 watts and of the shore stations to 50 watts, while assigning the ship station the lower frequency of the transmit-receive duplex pair.

33. While opposing the allocations of frequencies in the 216–220 MHz band for an IWCS, the American Broadcasting Company applauds the Commission's determination not to so utilize the Appendix 18 frequencies. It reaffirms the view that these frequencies are an important source of land mobile frequencies, especially for remote pickup broadcast systems.

Government Agencies

Need for IWCS and Frequency Allocations

34. The National Telecommunications and Information Administration (NTIA) [12], the Maritime Administration (MARAD) and the U.S. Coast Guard all strongly advocate the development of an IWCS and support the selection of the 216–220 MHz band. All three agencies emphasize that the immediacy of the requirement for an IWCS is an important consideration in favor of the 216–220 MHz band. MARAD states that insufficient information and experience in the 806–890 MHz band and less favorable propagation characteristics also favor selection of the 216–220 MHz band. NTIA adds that cellular systems are more complex, thus more costly than necessary for an IWCS. Further the Coast Guard indicates that potential interference problems with a television broadcast station can be avoided with proper engineering. The Coast Guard also stated that it agrees with the Commission's view that an IWCS could not be implemented on the Appendix 18 frequencies.

Systems Standards

35. MARAD recommended that the proposed international digital selective calling protocols (SELCALL) be utilized to promote interoperability in maritime systems nationally and internationally. MARAD further suggests that future actions by the Commission consider standards for interoperability between services as a strategy to promote competitive among equipment manufacturers and services to meet user needs. However, MARAD recommends that potentially restrictive technical standards be reserved for future actions where they are required to foster improvement in services or interoperability.

36. NTIA recommends that the Commission only impose standards for nonvoice services consisting of basic calling and signalling procedures. It feels system operators should be able to use the channels authorized in the fashion that best satisfies their needs. Since the voice bandwidth (both NTIA and MARAD recommend 25 kHz channels) is similar to that of the public telephone networks, adoption of the standards governing non-voice services of the public telephone networks seems appropriate. NTIA does not believe that wider frequency tolerances for coast stations are justifiable unless a time limit is established. Further, NTIA suggests that any communications system established for the Mississippi River System be compatible with future nationwide maritime systems.

Other Commenters

Frequency Allocation

37. The Land Mobile Communications Council (LMCC) supported allocation of the 216–220 MHz frequency band while opposing use of 800–890 MHz because of lack of operational data on propagation characteristics and because of the numerous other proposed and planned activities for its use.

[12] Although NTIA's comments were filed after the close of the comment period, we are including them in the record of this proceeding for the same reasons we indicated in footnote 11.

System Standards

38. The Radio Technical Commission for Marine Services (RTCM) stresses that consideration should be given to the studies on the proposed international digital selective calling system for the maritime services, when planning an IWCS.

Reply comments

Maritime Interests

Frequency Allocation

39. Reply comments from the maritime user interests were filed by Watercom and Amcom. Reply comments presenting public coast station licensees' views were filed by Rivercom and WJG Telephone Co. Watercom and Amcom state that the broadcast interests have failed to establish that an IWCS in the 216–220 MHz band would cause harmful interference to television Channel 13 reception. Watercom feels that the engineering analyses accompanying MST, Gateway and WEAU are general and too vague to permit analysis. On the other hand, it points out that the analysis submitted by Mid-America Television and the conclusions of Gilmore Broadcasting concur with Watercom's conclusions and support its proposed assignment plan. Watercom dismisses comments by broadcasters indicating that Channel 13 will cause intolerable interference with IWCS receivers. Based on its analysis, such problems would not be realized under actual conditions. Rivercom also dismisses the broadcasters' complaints of potential interference, stating that the problem is controllable.

System Standards

40. Watercom takes issue with Rivercom's view that integration of coast stations system-wide is unnecessary. Watercom argues that integration is absolutely necessary for spectrum management and vessel location purposes. Watercom further suggests that Rivercom's proposed service should be offered on the present Appendix 18 frequencies. If the Commission decides to accept Rivercom's concept (i.e., leave station integration to the marketplace) Watercom requests that a single frequency management standard be applied. Further, if a signalling standard is required for IWC's operation, SELCALL is preferred over Rivercom's proposed tone signalling system. Watercom also opposes ACBL's request for 16 channels to be allocated for private users, as beyond the scope of this proceeding.

41. Although Rivercom favors a common signalling format, it opposes a SELCALL signalling system because it is not considered necessary or advantageous in a domestic system. It proposes criteria that a signalling system must meet in order to be used in an IWC's. These are: (1) the system must satisfy the need of IWC's Users, (2) it must be proved in everyday use, (3) it must be available from various vendors, and (4) it must be available at a low rate. Rivercom states its proposed signalling system meets the above criteria. Also, Rivercom states that it would provide both automated and manual systems, stressing that the present system isn't bad because it is manual but because of traffic and the limited channels available. Therefore, it proposes 25 manual channels be allocated in the 216–220 MHz band. Further it opposes system integration because it requires expensive and inefficient "backhauling". Therefore, Rivercom suggests that the rules should require only automatic local interconnection leaving the network development to the marketplace.

42. WJG in its reply comments states that Watercom's system is not efficient nor is it in the public interest because it will be more expensive than the system now in use. WJG concludes that Watercom really wants a private radio system. Further, it concludes that Watercom will require a blanket subscription as exists for the automated Lorain system on the Great Lakes. Thus, the system will be very expensive for the small user.

Other Issues

43. Watercom criticizes, as does Amcom, AT&T's request that coast stations be permitted to discontinue service merely on a projection of traffic decline. It indicates that AT&T's assumptions relating to the amount of traffic transfer, and the lack of replacement traffic are unfounded. In any case, Watercom argues, the present procedures are adequate for discontinuance of service requests. Further, Watercom opposes comments which, in essence, proposed licensing preferences be given to existing coast station licensees. Watercom finds no precedent for such a preference or "territorial prerogative".

Broadcasters

Frequency Allocation

44. Reply comments from the broadcasting sector were submitted by Gateway Communications, Maximum Service Telecasters and RKO General, Inc.

45. Gateway criticizes Watercom's engineering statement because of erroneous data which, in its view, invalidates the Watercom study. It points out that Watercom uses a median value for interference susceptibility rather that the 10% figure used by the Commission, and that Watercom incorrectly uses a 10 db factor for polarization discrimination. Further, Gateway argues that Watercom does not consider that television service is provided beyond the grade B contour. Thus, it concludes interference with Channel 13 would occur. Gateway also notes that the potential for interference on other channels has been generally ignored. Although MST opposed an IWCS in both 216–220 MHz band and 806–890 MHz band, gateway believes 806–890 MHz is the lesser of two evils.

46. MST states in its reply comments that IWCS should be implemented in the existing maritime bands because of spectrum economy and the potential interference to television broadcasting in the 216–220 MHz and the 806–890 MHz bands. MST contends that the interference from the ship stations will be very hard to control because they are mobile. If an IWCS is authorized in the 216–220 MHz band MST suggests coast stations be required to show that they could not locate a station within 1000 feet of any homes (the distance in which interference would be expected) before being allowed to establish a station within that area. Finally MST opposes spectrum allocation in advance of operational requirements. RKO General in its reply merely states that in its view the interference to Channel 13 would not be controlled because the technological solutions presented are impractical and unrealistic due to lack of tight Commission oversight over marine communications as opposed to the control excercised by the Commission with respect to broadcasters.

47. RTCM submitted reply comments only to amend its comments. RTCM indicated it was not its intent to delay the proceeding but to point out that failure to consider the use of the SELCALL system (CCIR Recommendation 493–1 entitled "Digital Selective Calling System for Use in the Maritime Mobile Services") is a serious failing.[13]

Discussion

Need for IWCS

48. The comments show strong support for our tentative conclusion in

[13] CCIR is the International Radio Consultative Committee of the International Telecommunication Union.

the *Notice and Order* that, in addition to the existing VHF public coast stations, a substantial need exist for an automated, integrated and interconnected ship-to-shore communications system along the Mississippi River System. The maritime user interests (ACBL, ACOM, API, AWO and Watercom) all support such an inland waterways communications system, as do the Coast Guard, MARAD and NTIA. In addition, AT&T supports this conclusion.

49. Other than AT&T, the commenters representing public coast station licensees, while supporting the need for an additional spectrum allocation to alleviate frequency congestion and provide for advanced maritime services, oppose the requirements for system-wide operation and station interconnection. This segment of the maritime community generally favors a regional approach (akin to the present structure) with networking left to the marketplace. Some feel a preference should be granted for existing coast stations in the licensing of any future IWCS.

50. Based on the comments, it appears that there is ample evidence of the demand and need for an automated, integrated, interconnected, riverwide communication system. Such a system covering the inland waterways will allow the towing and barge industry, as well as any other vessels navigating the river system, the high quality voice and non-voice communications services that have been sought for some ten years. An integrated system approach provides instantaneous vessel location for routing purposes and centralized network control. Spectrum efficiency as well as operational efficiency can be better optimized.

51. It is understandable that the present public coast station licensees are concerned about the effect the introduction of a new competitive communications system will have on their market. AT&T's comments indicate that a considerable portion of the traffic handled by Bell system coast stations is attributable to the towing and barge industry. AT&T, although supporting the need for an IWCS, recommends that licensees of coast stations projecting a reduction of traffic so as to make a station uneconomical, be permitted to close within 90 days of an IWCS authorization within its service contours.

52. We feel it is unlikely that all tow and barge vessels would participate in an IWCS. Many local or regional companies may not desire or need to affiliate with an automated river-wide communications system. Also, as previously noted in this proceeding, many of the VHF maritime channels suffer from congestion and some coast stations particularly in the Lower Mississippi River are saturated during peak hours. The demand for communications in this maritime environment is not expected to level off or decline in the future but rather to continue to grow. In fact, in a separate proceeding,[14] we have proposed to delete the current restrictions on entry of new VHF public coast stations into the marketplace. We hope to encourage the development of existing and new coast stations capable of competing on price, quality and diversity of service with any future IWCS.

53. In any event, we feel that the present procedure for a case by case determination regarding discontinuance of service is adequate to protect public coast station licensees where the economic viability of the station is jeopardized. We will, however, insure that such requests are expeditiously handled. Further, AT&T's suggestion that if an existing public coast station should discontinue service, an automated system in the service area should be "required" to provide manual service on Appendix 18 frequencies, is untenable. In that safety listening watches are no longer a consideration in a request for discontinuance of service proceeding,[15] we feel that the requirement for service or type of service by public coast stations can be determined in the marketplace.

54. In view of the record in this proceeding, we are affirming our earlier tentative conclusion that a need exists for an automated, integrated, interconnected inland waterways communications system or systems along the Mississippi River System.

Watercom's Section 214 Application

55. At this point we note that among the related pleadings and applications mentioned in this proceeding is an application filed by Watercom pursuant to Section 214 of the Communications Act (File No. W-P-C-2279). By this application, Watercom seeks a determination that an IWCS is needed and authority to construct and operate such a system. This application was strongly opposed by various interests representing existing public coast station licensees on the Mississippi river system.[16]

56. We have addressed and resolved the issue of the need for an IWCS in the context of this rulemaking proceeding. However, in regard to the system authorization issue, there is considerable argument by those petitioning to deny the application[17] that, among other things, the Commission should not proceed under Section 214 of the Communications Act if it decides to authorize automated maritime coast station systems. In brief, the arguments assert that it is neither legally necessary nor desirable to proceed according to Section 214.[18]

57. We need not decide that question here, however, since we find that we must dismiss Watercom's application on other grounds. In essence, Watercom's application has been superseded by this rulemaking proceeding, in which Watercom has fully participated. The application seeks authority to utilize four VHF maritime public correspondence frequencies (channels 84–87) with additional "Appendix 18" frequencies (see footnote 3) to be made available in the future. These requested frequency assignments were effectively denied pursuant to our actions on the petitions RM-3101, RM-3128, and RM-3129 in the previous *Notice and Order*. Further, since we are resolving the issue of need for an IWCS and allocating a different frequency band specifically for IWCS purposes in this Report and Order, the application is inconsistent with the outcome of this rulemaking proceeding and thus defective.

58. Accordingly, the subject application will be dismissed without prejudice to the right of Watercom to file an application consistent with our actions herein. While this action moots the oppositions to Watercom's application, the Commission has considered the arguments for and against such a system or systems in its analysis of the record in this proceeding. In fact, many of the organizations which filed petitions to deny the subject

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[14] PR Docket No. 80-144, adopted April 9, 1980, 45 FR 28781.

[15] See "A Study of Maritime Public Coast Station Operations, Services and Industry", Report to Congress, F.C.C., December 1979, at p. 20.

[16] Petitions to deny were filed by: (1) Ship to Shore Telephone Company, (2) Lafourche Telephone Company, (3) Southwestern Bell Telephone Company, (4) American Commercial Barge Line Company and AMCON, Inc. (5) the Maritime Telephone Operators Association, (6) Cincinnati Bell, Illinois Bell, Indiana Bell, Ohio Bell andSouth Central Bell Telephone Companies, (7) St. Philip Towing and Transportation Company, (8) Com/Nav Marine, Inc., (9) St. Louis Radio, (10) Delcambre Telephone Company, Inc., (11) Radio Telephone of Louisiana, Inc., and (12) WJG Telephone Company, Inc.

[17] See especially the Petition to Deny filed by Com/Nav Marine, Inc. in file No. W-P-C-2279 at pp. 4-9 and also the Petition for Reconsideration filed by the Marine Telephone Operators Association in General Docket No. 80-1 at pp. 2-5.

[18] Section 214 provides, in relevant part, that no common carrier shall undertake construction of a new line unless the Commission has issued a certificate of public convenience and necessity.

application also commented on the *Notice and Order* in this rulemaking proceeding.

59. One issue raised in the oppositions requires further discussion. In its petition to deny Watercom's Section 214 application, Com/Nav Marine Inc. alleges that Watercom has made improper *ex parte* presentations in two ways: (1) by its participation along with various members of the commission's staff in the work of Special Committee 71 [19] of the Radio Technical Commission for Marine Services, and (2) by representations to a Commissioner's legal assistant respecting the Channel 16 safety watch requirements imposed on licensees of VHF public coast stations.

60. Even assuming that Com/Nav's allegations are factually correct and ignoring *ex post facto* application of the rules, such facts do not warrant the conclusion that improper *ex parte* presentations have been made to the Commission or members of its staff. With respect to RTCM, its special committees are merely advisory committees which function under the auspices of the Federal Advisory Committee Act. Recommendations RTCM might make are not binding on the Commission. Its committees meet in open public session with advance notice in the **Federal Register**. Furthermore, RTCM has, in fact, commented in this proceeding with the concomitant opportunity for Com/Nav to reply.

61. The presentation regarding the Channel 16 safety watch was in the context of another proceeding. A memorandum of that presentation was filed in full accord with the letter and spirit of the *ex parte* rules. Com/Nav itself cites the memorandum, it apparently was fully aware of the presentation and capable of responding.

62. To our knowledge there have been no *ex parte* contacts in this proceeding which have not been in full accordance with the applicable *ex parte* rules.

Frequency Band Allocation

63. All of the maritime interests directly associated with the Mississippi River System and the three Government agencies which filed comments supported the proposal to allocate frequencies in the 216–220 MHz band. The Land Mobile Communications Council also endorses utilization of this band.

64. The support for the proposed allocation in the 216–220 MHz band is based on (1) the superior propagation characteristics of the band for IWCS purposes, which would result in fewer coast stations being required along the system, (2) the readily adaptable equipment currently on the market, (3) the consistency of the allocation with the U.S. proposal adopted for Region 2 by the 1979 WARC, and (4) the system could be implemented without the likelihood of significant delays due to technical or regulatory factors.

65. The major opposition to the allocation of the 216–220 MHz band comes from the broadcast industry. The broadcasters feel that the potential for interference between an IWCS fn this band and television receivers operating on adjacent Channel 13 prohibits the use of this band by the maritime industry. Potential interference with other TV channels is also raised by some of the broadcasters.

66. A number of engineering statements submitted by commenters addressed the interference potential between broadcasting on Channel 13 and Maritime communications utilizing the 216–220 MHz band along the Mississippi River System. [20] The engineering analyses submitted by the broadcasters suggest that use of the 216–220 MHz band would interfere with reception of TV Channel 13 at certain locations along the waterways system. A number of these statements are general in nature and somewhat vague. However, the engineering study submitted by Mid-America Television Company and the comments of Gilmore Broadcasting allow that if the 216–220 MHz band is used a number of steps could be taken to alleviate the interference problem. For example, use of the lower part of the band should be avoided within range of a Channel 13 television station, maximum power of ship stations should be limited to 25 watts and shore stations to 50 watts, and the coast station licensee should be obligated to resolve reasonable complaints of TV interference.

67. The engineering statements filed by the maritime interests suggested that interference between maritime systems in the 216–220 MHz band and Channel 13 service areas [21] could be avoided through careful planning and system engineering. The statement filed by Watercom (and adopted by AWO) argues that by using sound system planning and engineering techniques potential interference would be essentially limited to the waterways and associated flood plains. The proposed system would in fact include the provisions suggested as an alternative by Mid-America and Gilmore. However, as pointed out by Gateway Communications' reply comments, some of Watercom's data and assumptions are inaccurate or not in accord with values traditionally used by the Commission.

68. Therefore, in order to more accurately assess the impact the use of the 216–220 MHz band by an inland waterways communications system would have on TV Channel 13 reception, we have utilized the more precise information contained in an earlier report prepared by the Commission's Laboratory Division. [22] This report (Project 2229–71) used five types of TV receivers as a sample, fed into them desired TV program material at measured input levels; imposed thereon an undesired (interfering) signal, also at measured input levels, at various frequencies from 216 through 225 MHz; and recorded the levels at which the undesired (interfering) signal produced "barely perceptible interference" on the video display. We have also conducted additional technical studies concerning this potential interference problem. [23]

69. Using the test data from Project 2229–71, the engineering studies submitted, and our own technical investigation, we conclude that interference to Channel 13 would be perceptible on present-day TV receivers within a significant radius of ship and shore transmitters unless precautionary technical measures are employed. In addition, there may be interference to Channel 10. However, we also conclude that those advocating the 216–220 MHz band allocation are correct in stating that appropriate engineering including frequency selection, shore station siting, use of directional receiving antennas and minimum transmit powers can overcome the interference problem. We note that the costs of such engineering have not been estimated and it appears that they may well be significant. However, we also note that the comments of the proponents of the 216–220 MHz allocation (particularly Watercom) can be interpreted as acceptance of these possible engineering costs.

70. The 806–890 MHz band was preferred for an IWCS by most of the

[19] SC–71's work is related to development of recommended standards for automated maritime telephone systems in preparation for U.S. participation in international conferences on this subject.

[20] Comments which included engineering statements are indicated in Appendix A.

[21] The service area of a television station is considered to be 56 db above 1 uV/m contour, better known as the Grade B contour.

[22] "Interference to TV Channels 11 and 13 from transmitters operating at 216 to 225 MHz", Project No. 2229–71, October 7, 1975. For the specific IWCS frequency allocation considered here, the interference problems actually involve only Channels 10 and 13.

[23] See Appendix C.

broadcasters who commented. Principally, the view expressed by the broadcasters is that since there is a potential for interference with TV Channels by use of the 216–220 MHz band, another band, i.e., 806–890 MHz, should be used. However, MST also opposes use of the 806–890 MHz band because of potential interference to future UHF television assignments.

71. Of the maritime interests only Radio Call and Gulf Coast Communication supported allocation of the 806–890 MHz band. These commenters, licensees of public coast stations not located on the river system, view the potential for a nationwide allocation as most significant. The maritime interests and Government agencies concerned with communications on the Mississippi River System consider the 806–890 MHz band an inferior choice. The propagation characteristics, as compared to the 216–220 MHz band, are poorer. Thus more stations would be required by any future system or systems adding to capital costs. The development of an IWCS would be tied to compatibility with present or future cellular systems which require sophistication beyond the needs of an IWCS and unnecessarily increase system costs. Further, these commenters fear extensive delays before a cellular system would be implemented due to the lack of regulatory and technical standards. Watercom feels that it may take until the mid-1980's before these issues are finalized and a maritime system could be integrated into the land mobile cellular system.

72. The Land Mobile Communications Council opposes allocation in the 806–890 MHz band because of other planned and proposed uses of this band.

73. The use of SSB or FM offset techniques in the present maritime VHF band was only supported by MST. MST indicated that utilizing such techniques would be spectrum efficient and avoid interference with broadcast facilities in the other bands.Watercom noted that several problems would be encountered by an SSB or FM signal between the 25 kHz channel spacing or offset 12.5 kHz. It indicated that much of the existing equipment would not be tolerant of such techniques, equipment stability requirements would be relatively expensive, and that it is questionable whether quality services could be accommodated and unclear what interference potential exists. In any case, considerable study and experimentation would be required prior to implementing an IWCS.[24] Most of the other commenters ignored the possible use of SSB or offset techniques or simply concluded they are presently inferior options.

74. The record clearly demonstrates that those with an interest in maritme communications on the Mississippi River System heavily favor allocation of the 216–220 MHz band. The principal opposition to such an allocation is from broadcasters concerned about interference potential with TV Channel 13. However, as noted above, it appears that this problem can be minimized by careful system planning and engineering, as well as placing the burden, by rule, on IWCS stations to avoid potential interference with TV Channel 13 within their Grade B contours.

75. Therefore, we find that the allocation of the 216–220 MHz band for use by maritime communications systems on the Mississippi River System is in the public interest. This allocation is consistent with the U.S. proposal adopted for Region 2 at the 1979 WARC. It will provide sufficient spectrum for such communications for the foreseeable future. The propagation characteristics are favorable and due to its closeness to present maritime bands existing equipment and technology should be readily adaptable. Further, of great importance to the maritime community, an IWCS system or systems could likely be implemented without significant delays. However, as indicated below, we will require certain technical characteristics necessary for TV protection. This will enable applicants to make suitable system designs and anticipate the nature of the remedies that they may become responsible for in the future.

76. Although we are allocating the 216–220 MHz band for IWCS systems, we wish to note that we are not excluding the operation of IWCS-like systems in the 800 MHz band when cellular systems in the that band become fully operational. The problems associated with avoiding interference with televison reception plus what we view as a natural parallel in the operational needs of "ribbon" systems like the IWCS, and cellular radio telephone systems planned for the 800 MHz band may ultimately make such operations more advantageous. The original concept for cellular mobile telephone service centered on the needs for the urban society. We feel this concept will continue to dominate the development of cellular systems. However, "ribbon" systems along major highways and waterways connecting urban areas, for example, may also be economically viable. In any case, we do not believe that at this time it is in the public interest to preclude or limit the development of cellular "ribbon" systems which serve maritime mobile subscribers as well as land mobile subscribers.

System and Equipment Standards

77. Nearly all the commenting parties addressing the issue agreed that the Commission should not at this time adopt technical standards beyond basic channelization and signalling characteristics. Detailed standards, particularly for nonvoice services, are generally felt to be unnecessarily restrictive, inhibit system development and user flexibility. WJG argues that no technical standards should be adopted in this proceeding. Since the proceeding has primarily been an allocations matter, WJG suggests that a new notice of proposed rule making be issued after the frequency band has been selected. However, Watercom counters that it sees no need to delay service in order to determine detailed standards which should reflect prototype development rather than precede it, and thereby restrict system design and development.

78. We agree with the majority of commenters that at this time the Commission should not adopt detailed technical standards for nonvoice services. Our intent is to provide a framework under which system development can begin but which will not unduly hinder innovation and flexibility. The system standards we are adopting are intended: to provide protection to TV channel 13 receivers within the Grade A and Grade B service areas; to define the available spectrum and channels; to assure conformance to emission limitations; to establish a reasonable uniformity in the service and to afford manufacturers the opportunity to participate in the equipment market.

Channelling

79. The band 216–220 MHz is channelized using a spacing of 25 kHz. The lower half of the band (216–218 MHz) is designated for coast station use and the upper half of the bank (218–220 MHz) is designated for ship station use. The coast and ship station frequencies are paired on a one-for-one basis, using a spacing of 2 MHz between coast and ship frequencies. This arrangement

[24] We note that Dr. Lusignan of Stanford University is studying amplitude compandored single sideband (ACSB) modulation techniques. While this narrowband technology (a 5 kHz channel separation is utilized) appears to be very promising, full scale operational tests have not yet been conducted. ACSB equipment is unlikely to be available for two years or more and, therefore, this technology appears not to be a viable alternative for implementation in an IWCS at this time.

provides 80 duplex channels. The channels are numbered 101 through 180.

Protection of TV Channels 10 and 13

80. Provisions are made affording protection to TV receivers on channel 10 and 13. In general, stations will be authorized subject to the condition that no harmful interference be caused to television reception within the grade B contour. In addition, coast station transmitting facilities situated within 105 miles (169 kilometers) of a channel 13 TV station or 80 miles (129 kilometers) of a channel 10 station will be authorized only on the basis of an engineering determination of the potential interference area together with an indication of the relatively unpopulated nature of this area. Appendix C provides details of the quantitative considerations involved in the present formulation of the IWCS rules in this regard.

81. Transmitting equipment installed aboard ship for use in the IWCS will be type accepted under the provisions of Section 83.139 of the rules. The measurement data submitted for type acceptance will include other peripheral or add-on devices intended to provide input to the modulator section of the transmitter, such as, signalling system(s), facsimile, transfer of data and radioteleprinter. The manufacturer will be required to demonstrate that the use of such peripherals will not produce emission outside the authorized bandwidth when used in accordance with the manufacturers specifications.

82. Similarly, transmitting equipment to be employed at coast stations will be type accepted under the provisions of Section 81.136 of the rules. The measurement data submitted for type acceptance will, as with ship stations, include peripheral or add-on devices which provide input signals to transmitters.

Emissions and Bandwidth

83. The provisions of the rules in regard to emissions and bandwidth will apply to the IWCS as they do to all other maritime services. These include: authorized classes of emission, § 81.132; authorized bandwidth, § 81.133; emission limitations, § 81.140; and modulation requirements, § 81.142.

Authorized Frequency Tolerance

84. The present Rules specify a frequency tolerance of 5 parts per million (ppm) for coast stations, and 10 ppm for ship stations in the 100—200 MHz frequency band. The Final Acts of the 79 WARC specify frequency tolerances of 10 ppm for coast stations and 50 ppm for ship stations which are within the 216–220 MHz frequency band. In the comments Watercom proposed a frequency tolerance of 10 ppm for ships and Rivercom proposed a frequency tolerance of 2.5–5 ppm.

85. We are specifying a frequency tolerance of 5 ppm (5 in 10^6) for coast stations and ship stations in the 216–220 MHz frequency band. We feel that equipment manufacturers should be able to meet this tolerance with existing technology. Equipment used in the land Mobile Services in the 50–450 MHz frequency band also must meet a frequency tolerance of 5 ppm.

Standards for Voice

86. The standards for voice communication are those which apply to FM equipment operating at VHF in the maritime radio services, that is, ±5 KHz deviation, which is defined as 100% modulation.

Standards for Non-Voice Services

87. The majority of comments recommended that standards not be set for nonvoice transmissions. In view of these comments we are only proposing technical standards for voice modulation at this time. However, when nonvoice is transmitted, the transmission must remain within the authorized bandwidth specified in the Rules.

88. Further, in regard to a signalling format, we note that at this time CCIR has not formally adopted an international standard. Although an international maritime signalling format has advantages in terms of system interoperability and may ultimately reduce unit cost, we believe it is too early to compel future system licensees and users to employ a specific signalling methodology. Potential licensees of an IWCS will better be able to determine what signalling format is most advantageous when designing a system with full knowledge of the band from which the frequency assignments will come and the basic channelization requirements. Therefore, we will not specify what signalling methodology applicants proposing to license an IWCS system must utilize. We feel a more enlightened decision can be made at a later date.

Other Issues

89. A number of other policy issues which deserve discussion were raised in this proceeding. In regard to the licensing of shipboard units, Watercom submits that since these radio units will only communicate via IWCS coast stations (i.e., no direct ship-to-ship communications) no separate licensing is needed. Rather, the shipboard units would be encompassed by the system authorization. However, as indicated above, IWCS systems will operate as part of the Maritime Mobile Service. Stations on ships in this service are licensed under Part 83 of the Commission's rules [35] and Section 301 of the Communications Act.[36] It would appear that all ships likely to participate in an IWCS would already be licensees of ship radio stations and many would be authorized under a fleet license. Therefore, little additional burden or cost would be imposed on users or the Commission by providing for IWCS shipboard equipment under a ship station authorization. This is consistent with the current practice for ships having more than one transmitter on board.[37] At this time, we do not believe it is necessary to separate transmitters used in conjunction with an IWCS from the licensing of other radio equipment onboard ships.

90. The impetus for this proceeding has long been the effort of the tugboat, towboat and barge industry to obtain advanced communications services to meet their operational needs on the Mississippi River System. Watercom seeks to satisfy these operational needs through a public correspondence system. Most of the commenters seem to assume that any IWCS service must be via a public correspondence (i.e., common carrier) system. WJG is an exception in that it argues in its reply comments that Watercom actually desires a private or limited system for communications relating to tow and barge operations.

91. Although it appears that a system of automated public coast stations can indeed satisfy the IWCS criteria, it also appears that a system of automated limited coast stations run by a cost-sharing industry intermediary may satisfy most of the tow and barge operators' desires. The parties directly concerned with an IWCS are in the tow and barge business, not the communications business, and are primarily concerned with communications as a support function. We feel that there may be benefits from allowing these businesses to construct their own systems including (1) services at rates closer to costs, (2) better management of communications networks, (3) efficient use of available

[35] Stations on Shipboard in the Maritime Services, 47 CFR 83.1, et seq.

[36] 47 U.S.C. 301 requires, among other things, that transmitters on any U.S. vessel be licensed by the Commission.

[37] For example, a ship having radiotelephone, radiotelegraph and radar facilities has one ship station license covering all the various transmitters.

spectrum, and (4) additional incentive for research and development.

92. In any event, we do not believe it is necessary at this time to require that proposed IWCS systems provide common carrier service. A limited system may provide a viable option for many tow and barge operators. Therefore, we will not preclude this alternative in this proceeding.

93. We are adopting minimum technical standards we consider necessary to provide maximum flexibility for IWCS systems in the Maritime Mobile Services. We are also adopting rules specifically designed to minimize the interference potential with TV reception, including a requirement for applicants to submit an engineering study clearly showing the means of avoiding interference when a grade B service area a of Channel 13 TV station. We realize that the initial planning and implementation phases will be in the nature of a prototype development. Applicants may use FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an IWCS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of one or more navigable waterways encompassing the Mississippi River System (e.g., see the waterways listed in footnote 1) to be served by the applicant. Waterways covering less than 150 miles long should be served in their entirety. Although we will not require a separate form of each station in a system, the applicable technical particulars for each proposed station arrangement and location must be provided, as well as engineering studies where necessary. We will publish in the near future a sample format for demonstrating that TV reception will be protected. This will not be prescribed, merely a sample of an acceptable format. Further, in an effort to proceed in a timely manner, applications may be filed and placed on public notice prior to the effective date of the new rules.

94. Although we expect that additional rulemaking relative to inland waterways systems will be necessary, we believe this particular docket should be terminated with this Report and Order. Up to this time the main thrust of the proceeding has involved the frequency allocation question. Having resolved the allocation question and basic channelization standards, much of the voluminous record in this proceeding is of interest only by way of background. Even, the docket caption will be obsolete. Thus, rather than leave this docket open and initiate Further NPRM's, the better course appears to be to terminate this docket and commence a new rulemaking proceeding when the prescription of new rules and standards is requested by a party or deemed appropriate by the Commission.

Action

95. In summary, we have concluded that:

(1) A need exists for an automated, integrated, interconnected inland waterways communications system(s) on the Mississippi River System;

(2) Watercom's Section 214 application (W–P–C–2279) should be dismissed without prejudice;

(3) The allocation of the 216–220 MHz band for an inland waterways communications system is in the public interest;

(4) A framework, including technical standards, should be provided in the rules to enable the application process and system development to commence; and

(5) This proceeding should be terminated and any future rulemaking regarding IWCS systems be instituted in a new proceeding.

96. Regarding questions on matters covered in this document contact Robert DeYoung, or Robert McNamara at (202) 632–7175 or Robert Eckert at 653–8109.

97. Accordingly, it is ordered, That, under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules ARE AMENDED as set forth in the attached Appendix, effective April 13, 1981.

98. It is further ordered, That, the application filed by Waterway Communications System, Inc. (W–P–C–2279) pursuant to 214 of the Communications Act, for authority to construct and operate an automated maritime communications system on the Mississippi River Network is dismissed without prejudice.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Because of the effort to minimize printing costs, Appendix A, List of Commenters, has been omitted herein. However, it may be inspected in the Dockets Branch, Room 239, 1919 M Street, N.W., Washington, D.C. and on the Public Inspection table at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C.

Appendix B

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106 the table at the band 216–220 MHz and footnotes US 114 and NG121 are revised to read as follows:

§ 2.106 Table of Frequency Allocations

(5) Band (MHz)	(6) Allocation	(7) Band (MHz)	(8) Service	(9) Class of station	(10) Frequency (MHz)	(11) Nature of services of stations
*	*	*	*	*	*	*
216–220	G, NG (US114) (US210).	216–220	MARITIME MOBILE.	Coast Ship Telemetering Land.		MARITIME MOBILE.
	NG121		LAND MOBILE	Telemetering Mobile.		INDUSTRIAL.
*	*	*	*	*	*	*

US 114 Non-Government use of the band 216–220 MHz by the land mobile service is limited to telemetering and associated telecommand purposes only and shall have secondary status with respect to the maritime mobile service and Government radiolocation service; airborne devices will not be authorized.

* * * * * * *

NG 121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways.

* * * * * * *

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.3 a new paragraph (m) is added to read as follows:

§ 81.3 Maritime mobile service.

* * * * *

(m) Inland Waterways Communication System (IWCS). An automatic, integrated and interconnected maritime communications system serving ship stations on the Mississippi River and connecting waterways.

* * * * *

2. In § 81.131 a new subparagraph (c)(3) is added to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(c) * * *

	Tolerance—parts in 10⁶ unless shown as Hertz (Hz)
(3) From 216 to 220 MHz:	
For IWCS stations	5.0

* * * * *

3. In § 81.132 a new subparagraph (a)(7) is added to read as follows:

§ 81.132 Authorized class of emission.

* * * * *

(a) * * *

	Classes of emission
(7) For IWCS stations:	
(i) radiotelegraphy	F1, F4.
(ii) radiotelephony	F3.

* * * * *

4. In § 81.133, in the table following paragraph (a), emissions 16F1 and 16F4 are added to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Class of station emission	Emission designator	Authorized bandwidth (kHz)
* * * * *		
F1	16F1	[1] 20 kHz.
* * * * *		
F4	16F4	[2] 20 kHz.
* * * * *		

* * * * *

[1] Radioteletypewriter in the band 216–220 MHz.
[2] Facsimile in the band 216–220 MHz.

5. In § 81.134 a new paragraph (j) is added to read as follows:

§ 81.134 Transmitter power.

* * * * *

(j) A coast station in the IWCS may employ output powers as follows subject to the condition that no harmful interference will be caused to television reception excepting TV services authorized subsequent to the filing of the IWCS station application.

(1) When located more than 105 miles (169 kilometers) from the antenna of a channel 13 TV station and more than 80 miles (129 kilometers from the antenna of a channel 10 station, coast stations having an antenna height of 200 feet (61 meters) or less will be authorized a transmitter power which in combination with the antenna system produces an effective radiated power not exceeding 1000 watts in the direction of maximum gain.

(2) When located less than 105 miles (169 kilometers) from a channel 13 TV station, or less than 80 miles (129 kilometers) from a channel 10 station or when using an antenna height greater than 200 feet (61 Meters), coast station transmitting facilities will be authorized provided they conform to an engineering plan for suitable limiting of the interference contour. This engineering plan shall include:

(i) A delineation of the interference contour with identification of the method used to determine this contour, and

(ii) A statement concerning the number of residences within the interference contour. The interference contour is defined to include only areas inside the television grade B contour with the latter determined assuming maximum permissible TV antenna height and power for broadcast stations and the actual facility parameters for translators and low power TV stations.

(3) When located as in subparagraph (2), the coast station will normally be authorized only if the applicant's engineering plan has sufficiently limited the interference contour so that it contains fewer than 100 residences. The Commission may, in a particular case, authorize facilities for which this condition will not be met on the basis of a showing that:

(i) The proposed site is the only suitable location, and

(ii) The applicant has a plan to control any interference that might develop to TV reception from his operations, and

(iii) The applicant agrees to make such adjustments in the TV receivers affected as may be necessary to eliminate interference caused by his operations.

(4) The applicant agrees to eliminate any harmful interference caused by his operation to TV reception that might develop by whatever means are found necessary within 90 days of the time he is notified in writing by the Commission. If this interference is not cleared up within the 90-day period, operation of the coast station will be discontinued. This provision will normally not be applied to interference cases occurring outside the grade B contour. However, the licensee will be expected to help resolve all complaints of interference.

(5) Note that frequencies below 217 MHz will not be authorized within 105 miles of a channel 13 TV station. See § 81.917.

(6) For purposes of type acceptance the transmitter power output shall be 50 watts or less.

6. In § 81.142 paragraph (b) is revised to read as follows:

§ 81.142 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 MHz, or emissions F1, F3, F4 in the band 216–220 MHz, shall be capable of proper technical operation with a frequency deviation of ±5 kHz which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

7. Add a new Subpart T, to read as follows:

Subpart T—Inland Waterways Communication System (IWCS)

Sec.
81.913 Service authorized.
81.915 Points of communication.
81.917 Frequencies available.

Subpart T—Inland Waterways Communication System (IWCS)

§ 81.913 Service authorized.

(a) An Inland Waterways Communication System (IWCS) will provide vessels with an automatic, integrated communication system along some portion of the Mississippi River System. As used here, the Mississippi River System includes the navigable waters encompassing the lower and upper Mississippi River and the following connecting navigable waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black, (Wis.), Calcasieu, Cumberland, Green/Barren, Hiwassee, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo Rivers. (The canal project

currently under construction to connect the Tennessee and Tombigbee Rivers will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.)

(b) Applicants may use FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an IWCS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of each of one or more navigable waterways encompassing the Mississippi River System to be served by the applicant. Waterways less than 150 miles long must be served in their entirety. Although we will not require a separate Form for each station in a system, the applicable technical particulars for each proposed station, including transmitter type and location, frequencies, emissions, power, antenna arrangement and location, must be provided. Further, applicants proposing to locate a coast station transmitter within 105 miles of a channel 13 television station or within 80 miles of a channel 10 station or with an antenna height greater than 200 feet must submit an engineering study clearly showing the means of avoiding interference with television reception within the grade B contour. (See 81.134(j).)

(c) An applicant desiring to provide a limited correspondence service may seek authority to operate an IWCS system to provide only operational communications (communications relating to the safe, efficient and economical operation of vessels, such as fuel, weather, position reports, essential supplies and service, and the like). However, service shall be provided to any ship station licensee who makes cooperative arrangements for the operation of the stations which are to provide IWCS service. In emergency or distress situations service shall be provided without prior arrangements.

§ 81.915 Points of communication.

Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio channels, IWCS coast stations are authorized to communicate with ship stations which are authorized to operate in the IWCS.

§ 81.917 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C and D, are available for assignment to coast stations on a station by station basis for communication by means of voice, facsimile and radioteletypewriter with ship stations authorized to operate in the IWCS. Coast stations within 105 miles (169 kilometers) of a TV channel 13 station will be licensed only for the frequencies of Group A and Group B.

Channel No.	Coast		Group
	Receive (MHz)	Transmit (MHz)	
101	218.0125	216.0125	D.
102	218.0375	216.0375	
103	218.0635	216.0635	
104	218.0875	216.0875	
105	218.1125	216.1125	
106	218.1375	216.1375	
107	218.1625	216.1625	
108	218.1875	216.1875	
109	218.2125	216.2125	
110	218.2375	216.2375	
111	218.2625	216.2625	
112	218.2875	216.2875	
113	218.3125	216.3125	
114	218.3375	216.3375	
115	218.3625	216.3625	
116	218.3875	216.3875	
117	218.4125	216.4125	
118	218.4375	216.4375	
119	218.4625	216.4625	
120	218.4875	216.4875	
121	218.5125	216.5125	C.
122	218.5375	216.5375	
123	218.5625	216.5625	
124	218.5875	216.5875	
125	218.6125	216.6125	
126	218.6375	216.6375	
127	218.6625	216.6625	
128	218.6875	216.6875	
129	218.7125	216.7125	
130	218.7375	216.7375	
131	218.7625	216.7625	
132	218.7875	216.7875	
133	218.8125	216.8125	
134	218.8375	216.8375	
135	218.8625	216.8625	
136	218.8875	216.8875	
137	218.9125	216.9125	
138	218.9375	216.9375	
139	218.9625	216.9625	
140	218.9875	216.9875	
141	219.0125	217.0125	B.[1]
142	219.0375	217.0375	
143	219.0635	217.0635	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	A.[1]
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	
176	219.8875	217.8875	
177	219.9125	217.9125	
178	219.9375	217.9375	
179	219.9625	217.9625	
180	219.9875	217.9875	

[1] Available for assignment to coast stations located within or in proximity to the service area of a Channel 13 TV Broadcast station, subject to the provisions of § 81.134(j).

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.3 a new paragraph (s) is added to read as follows:

§ 83.3 Maritime mobile service.

* * * * *

(s) Inland Waterways Communication System (IWCS). An automatic, integrated and interconnected maritime communications system serving ship stations on the Mississippi River and connecting waterways.

2. In § 83.131 a new subparagraph (b)(8) is added, to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(b) * * *

(8) Stations when using frequencies within the band 216–220 MHz: Using emissions F1, F3, or F4	5

* * * * *

3. In § 83.132 a new subparagraph (a)(6) is added to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(6) 216–220 MHz:	
(i) radiotelegraphy	F1, F4.
(ii) radiotelephony	F3.

* * * * *

4. In § 83.133, in paragraph (a), emissions 16F1 and 16F4 are added to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
* * * * *		
F1	16F1	20.0[6]
* * * * *		
F4	16F4	20.0[7]
* * * * *		

[6] Radioteletypewriter in the band 216–220 MHz.
[7] Facsimile in the band 216–220 MHz.

* * * * *

5. In § 83.134 a new paragraph (l) is added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(l) Ship stations in the band 218–220 MHz may employ:

(1) A transmitter power which in combination with the antenna system produces an ERP not exceeding 18 watts. Note that coast stations located less than 105 miles (169 kilometers) from a channel 13 TV station are limited with respect to the transmitter frequencies they may use. As a consequence communication service will not be offered to ship stations involving ship transmissions on frequencies below 219 MHz in these areas. See § 83.373.

(2) For type acceptance purposes the transmitter output power shall be 25 watts or less, as measured at the transmitter output terminals.

(3) The ship station transmitter shall include the capability to reduce, readily, the carrier power to 2.5 watts.

6. In § 83.137 paragraph (b) is revised to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(b) Transmitters using F3 emission in the band 156–162 MHz, or emissions F1, F3, F4 in the band 218–220 MHz, shall be capable of proper technical operation with a frequency deviation of ±5 kHz, which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

* * * * *

7. In § 83.139 a new paragraph (i) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(i) Ship station transmitters operating in the band 218–220 MHz (other than transmitters authorized solely for developmental stations) shall be type accepted by the Commission.

8. Add a new § 83.341 to read as follows:

§ 83.341 Frequencies available for radiotelegraphy—218–220 MHz.

The carrier frequencies listed in § 83.905 are available for communications by means of facsimile and radioteletypewriter between ship and coast stations operating in the IWCS service and subject to the same restrictions relative to service within 105 miles of a TV Channel 13 station.

9. Add a new § 83.373 to read as follows:

§ 83.373 Frequencies available for radiotelephony—216–220 MHz.

The carrier frequencies listed in § 83.905, are available for communications by means of radiotelephony between ship and coast stations operating in the IWCS service and are subject to the same restrictions relative to service within 70 miles of a TV Channel 13 station.

10. Part 83—Add a new Subpart DD, to read as follows:

Subpart DD—Inland Waterways Communication System (IWCS)

Sec.

83.900 Service authorized.
83.903 Supplemental eligibility requirements.
83.905 Frequencies available.

Subpart DD—Inland Waterways Communication System (IWCS)

§ 83.900 Service authorized.

The Inland Waterways Communication System (IWCS) will provide vessels with an automatic, integrated communication system along some portion of the Mississippi River System. As used here, the Mississippi River System includes the navigable waters encompassing the lower, middle and upper Mississippi River and the following connecting navigable waterways: Allegheny, Amite, Arkansas, Atachafalaya, Big Sandy, Black (Ark.), Black (Wisc.), Calcasieu, Cumberland, Green/Barren, Hiwassee, Illinois, Kanawha, Kaskaskia, Kentucky, L'Anguille, Little Kanawha, Mermentau, Minnesota, Missouri, Monongahela, Ohio, Ouachita, Red, St. Croix, St. Francis, Tennessee, White, Wolf, and Yazoo Rivers. The canal project currently under construction to connect the Tennessee and Tombigbee River will, upon completion, connect the Alabama, Black Warrior, Mobile and Tombigbee Rivers into the Mississippi River.

§ 83.903 Supplemental eligibility requirements.

Each application for a ship station or fleet license (either FCC Form 501 or 502 as appropriate) to operate in the IWCS shall be accompanied by a letter from the IWCS licensee attesting that business arrangements have been completed for the provision of service.

§ 83.905 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C, and D, are available for communication by means of voice, facsimile and radioteletypewriter by ship stations which are authorized to communicate with coast stations providing IWCS service. However, only Group A and Group B frequencies will be of service within 70 miles of a Channel 13 TV station since coast stations there will not be licensed on other channel groups.

Channel No.	Ship		Group
	Transmit (MHz)	Receive (MHz)	
101	216.0125	216.0125	D
102	216.0375	216.0375	
103	216.0625	216.0625	
104	216.0875	216.0875	
105	216.1125	216.1125	
106	216.1375	216.1375	
107	216.1625	216.1625	
108	216.1875	216.1875	
109	216.2125	216.2125	
110	216.2375	216.2375	
111	216.2625	216.2625	
112	216.2875	216.2875	
113	216.3125	216.3125	
114	216.3375	216.3375	
115	216.3625	216.3625	
116	216.3875	216.3875	
117	216.4125	216.4125	
118	216.4375	216.4375	
119	216.4625	216.4625	
120	216.4875	216.4875	
121	216.5125	216.5125	C
122	216.5375	216.5375	
123	216.5625	216.5625	
124	216.5875	216.5875	
125	216.6125	216.6125	
126	216.6375	216.6375	
127	216.6625	216.6625	
128	216.6875	216.6875	
129	216.7125	216.7125	
130	216.7375	216.7375	
131	216.7625	216.7625	
132	216.7875	216.7875	
133	216.8125	216.8125	
134	216.8375	216.8375	
135	216.8625	216.8625	
136	216.8875	216.8875	
137	216.9125	216.9125	
138	216.9375	216.9375	
139	216.9625	216.9625	
140	216.9875	216.9875	
141	219.0125	217.0125	B[1]
142	219.0375	217.0375	
143	219.0625	217.0625	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	A[1]
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	

Channel No.	Ship		Group
	Transmit (MHz)	Receive (MHz)	
176	219.8875	217.8675	
177	219.9125	217.9125	
178	219.9375	217.9375	
179	219.9625	217.9625	
180	219.9875	217.9875	

[1] Available for assignment to coast stations located within or in proximity to the service area of a Channel 13 TV Broadcast station, subject to the provisions of § 81.134(j).

Appendix C—Details of the Considerations Given to Protecting TV Reception

General Nature of the Provisions for Protecting TV Reception

The band of frequencies being allocated for inland waterways communications systems (IWCS) is just above and adjacent to television channel 13, and there exists a potential for interference by IWCS to television reception on this channel, and on channel 10.

The rules established by the present Report and Order impose the following requirements on IWCS in order to minimize interference:

(1) IWCS stations are authorized subject generally to the condition that no harmful interference be caused to TV reception.

(2) Shore station transmitting facilities situated within 105 miles (169 kilometers) of a channel 13 TV station will be authorized in a limited portion of the 216–220 MHz band on the basis of an engineering determination of the interference area together with an indication of the relatively unpopulated status of this area. Generally, authorization will be withheld unless the applicant's engineering plan has sufficiently limited the interference area so it contains fewer than 100 residences.

(3) Engineering determinations are required under similar circumstances to protect TV channel 10.

(4) Ship transmitting facilities are limited to an effective radiated power of 18 watts and to frequencies above 218 MHz (farthest from the frequency band of TV channel 13).

Technical Basis for Engineering Determination of Interference Areas

1. *Rejection of Undesired Signals.* Experimental data pertinent to the susceptibility of TV receivers to interference from IWCS transmissions are found in the FCC Lab Division report of Project No. 2229–71.[1] The ratio of undesired to desired signal power for the condition of just perceptible interference is found to be strongly dependent upon the frequency separation and upon the power level of the desired signal. As would be expected, interfering signals on frequencies close to those of the TV channel cause interference even when relatively weak, while somewhat stronger signals produce no perceptible interference provided the frequency separation is greater. TV channel 13 occupies 210–216 MHz. The IWCS band allocated in the present rulemaking extends from 216 to 220 MHz, with those frequencies near the upper limit of 220 MHz being less likely to cause interference. Besides being dependent upon frequency separation, the susceptibility of TV receivers to interference from IWCS signals depends to a degree upon the TV signal level being received. To determine the value of the latter quantity for planning purposes, refer to OCE Report RS77–01 [2] which itself is based upon considerations made explicit in the Third Notice [3] and the Sixth Report and Order in Docket 8736, et al [4] adopted April 11, 1952. These documents establish the reasonableness of the following values of signal power for acceptable picture quality at VHF (Channels 2–13):

Thermal noise including noise figure considerations (dBm)	−96
Signal/noise ratio for acceptable picture (dB)	30
Required TV set input power, rural (dBm)	−66
To overcome urban noise (dB)	7
Required TV set input power, urban (dBm)	−59

Thus on the basis of documented planning factors, the signal input power to TV sets receiving acceptable pictures may be assumed to be −66 dBm or greater in rural areas and −59 dBm or greater in urban environments. These TV sets, now receiving an acceptable picture, are the ones to be protected from interference from IWCS signals. Figure 8 of Reference [1], which is reproduced here, shows applicable experimental data on interference susceptibility for channel 13. These data are for a TV signal input power of −65 dBm and are the experimental basis for the interfering potential determinations involved in the present rulemaking relative to channel 13. The values plotted represent conditions for just perceptible interference.

From Fig. 8 of Reference [1] interference rejection ratios may be determined in the form presented as Table I:

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[1] L. Middlekamp, H. Davis, *Interference to TV Channels 11 and 13 from Transmitters Operating at 216–225 MHz*, FCC Lab Division Report, Project No. 2229–71, Oct. 1975. For the specific IWCS frequency allocation considered here, the interference problems actually involved only channels 10 and 13.

[2] G. S. Kalagian, *A Review of the Technical Planning Factors for VHF Television Service*, FCC, OCE, Research and Standards Division Report RS77–01 March 1, 1977.

[3] *Third Notice of Proposed Rulemaking*, Docket Nos. 8736, 8975, 8976, 9175; Federal Communications Commission, March 21, 1951.

[4] *Sixth Report and Order*, Docket Nos. 8736, 8975, 8976, 9175; Federal Communications Commission, April 11, 1952.

[5] R. B. Carey, *Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service*, FCC Report No. R–6406, Federal Communications Commission, Washington, D.C. June 24, 1964.

[6] *Report of the Advisory Committee for the Land Mobile Radio Services*, Federal Communications Commission, 1967. See Volume 2, Part 2, Appendix B, "Transmitter Power, Efficiency of Communication, and Interference", pp. 1–8.

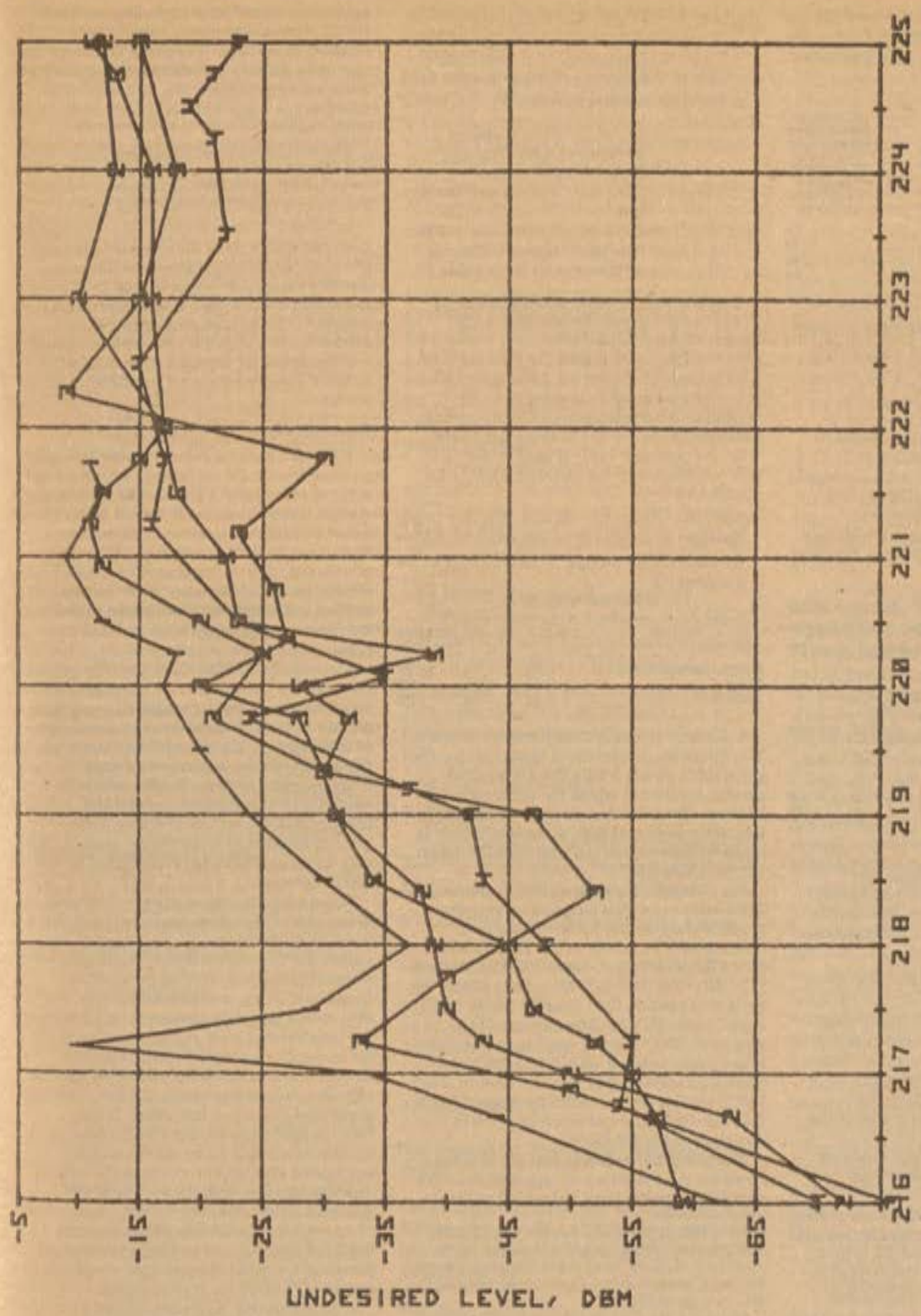

FIG. 8: FM INTERFERENCE SUSCEPTIBILITY, RCVRS. 1 TO 5, CH. 13 AT -65 DBM

From: L. Middlekamp, H. Davis, Interference to TV Channels 11 and 13 from Transmitters operating at 216-225 MHz, FCC Lab Division Report, Project No. 2229-71, Oct. 1973

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Table I.—*Rejection Ratios Determined by Bench Tests of Representative TV Receivers With Desired Channel 13 Signal Input of −65 dBm*

Frequency range, MHz	Undesired/desired signal rejection ratio exceeded in 90 percent of sample measurements
216–217	−7
217–218	10
218–219	15
219–220	29

The rejection ratios of Table I are assumed to represent the performance achieved or exceeded by 90% of present-day TV receivers.

2. *Field Strength Ratios to Minimize Interference Potential.* To set reasonable power limitations for inland waterways communications at 216–220 MHz it is necessary to establish signal ratios analogous to those of Table I but applicable to field strengths. Table II presents desired to undesired ratios of field strength which may be used to evaluate the interference potential of IWCS signals.

Table II.—*Ratio of Median Desired Field Strength to Median Undesired Field Strength for Minimizing Potential of Interference to TV Channel 13*

[Frequency Range, MHz]

Service	216–217	217–218	218–219	219–220
Principal Community (dB)	27	10	5	−9
Grade A	20	3	−2	−16
Grade B	16	−1	−6	−20

The D/U ratios of Table II take into account terrain and time variations of the desired and undesired fields as well as the susceptibility of TV receivers. This has been done using the relationships:

$$(D/U)_{dB} = K_L (\sigma Ld^2 + \sigma Lu^2)^{\frac{1}{2}} + K_T \sigma T_d - R$$

where

$(D/U)_{dB}$ represents the ratio in dB of the median desired field strength to the median undesired field strength. This ratio is considered the minimum acceptable in order to reduce the potential for interference for 90% of the time.

K_L and K_T are standard normal deviates associated with location and time respectively.

σ_{Ld} = standard deviation in decibels of the variation from location to location of the field strength of the desired TV signal.

σ_{Lu} = standard deviation in decibels of the location variability of the interfering (undesired) signal.

δ_{Td} = standard deviation in decibels of the time variation in received TV signals
- 1.28 for Principal Community Service (90% of locations)
- K_L = 0.52 for Grade A Service (70% of locations)
- 0.00 for Grade B Service (50% of locations)

$(\delta_{Ld}^2 + \delta_{Lu}^2)^{\frac{1}{2}}$ = 12 dB (This value may be determined from Figure 1 of Ref. [2] or from Figure 5 of Appendix V of Ref. [3]. The standard deviation of the undesired field is assumed equal to that of the TV field.)
- 5 dB for the short distance associated with Principal Community Service
- $K_T \delta_{Td}$ = 7 dB at the Grade A contour See Ref. [2]
- 9 dB at the Grade B contour See Ref. [2] and where R = the rejection ratio from Table I.

Explanations of these equations can be found in FCC Report R–6406 and in the Report of the ACLMRS.[3] [6]

3. *Field Strength Ratios for Protection of TV Channel 10 Reception.* Reference [1] also provides measured data relative to the potential for interference to TV channel 10. Considerations similar to those associated with the previous Table II lead to the following Table of the quantity $(D/U)_{dB}$ for channel 10.

Table III.—*Ratio of Median Desired Field Strength to Median Undesired Field Strength for Minimizing Potential of Interference to TV Channel 10*

[Frequency Range, MHz]

Service	216–217	217–218	218–219
Principal Community (dB)	−12	−18	−25
Grade A	−19	−25	−32
Grade B	−23	−29	−36

4. *Determination of Interference Contours.* The interference contour is the set of geographic points inside the TV grade B service contour at which the difference between the predicted median value of the television field and that of the IWCS field is equal to the value of $(D/U)_{dB}$ found in Table II or in Table III.

For example, suppose an IWCS station at 216.5 MHz is located 30 miles outside the grade B contour of a maximum facility channel 13 TV station. In the vicinity of the grade B contour the median TV field strength is 56 dBuV/m (Ref. 2, 3, 4) and lies where the predicted median field strength of the IWCS signal is 40 dBuV/m. The curves of FCC Report R–6602 [7] may be used to find that the interference contour would just touch the television service area 30 miles distant if the IWCS station with an antenna height of 200 feet were to radiate as much as 1 Kw in the direction of the TV station.

The particular example just given is the basis for the 105-mile provisions of the rules permitting applications to be filed without interference studies in case the proposed IWCS station is more than 105 miles from TV channel 13 stations. The grade B contour for a maximum facility TV station is found to be 75 miles at these frequencies, and maximum interference range of 30 miles has been added to this value.

The procedure outlined here can be used with some confidence that interference will be confined within the interference contour except in a relatively few cases. The interference contours would be made smaller if an allowance were included for the possible advantage of polarization discrimination. Such an extra allowance has not been made partly for the reason that it is known [8] that the amount of polarization discrimination is greatly dependent upon the relative bearings from the receiving antenna to the TV station and to the undesired signal source.

Expected Impact of Power Limitations

1. *Coast Stations.* When located 105 miles or more from a TV channel 13 station or at least 80 miles from a channel 10 station, coast station transmitting facilities are limited to an effective radiated power of 1000 watts. Permitting an ERP as large as 1000 watts allows use of directional antennas to reduce interference. Calculations as in the preceding section indicate that this requirement affords interference protection to at least fifty percent of receiver locations at the grade B contour for 90% of the time. The fifty percent value arises because that is the proportion of locations expected to receive an acceptable picture in grade B areas even in the absence of interference. The calculations leading to this result involve assumptions as to frequency and antenna height, and even when these assumptions are met the calculations are no guarantee as to the relative number of interference cases which may occur and have to be corrected by the IWCS licensee.

Coast stations may also be authorized closer than 105 or 80 miles from the channel 13 or 10 station respectively and even well within the TV service areas. These cases will require special engineering concerning frequency, siting, antenna height and directional radiation pattern in order to limit the interference area. A coast station might, for example, employ a radiation pattern directed up and down the river and hold the effective radiated power in the direction of populated areas to a low value. It may become necessary for the IWCS operator to substitute a single more conventionally configured station. For example the data of Table II together with the curves of FCC Report R–6602 predict an interference radius of approximately 0.8 mile for an antenna height of 100 feet and an effective radiated power of 1 watt at the principal community contour (77 dBuV/m desired field).

2. *Ship stations.* Ships are limited to an ERP of 18 watts. In addition, radio system operations inside grade B service areas of a channel 13 Station will involve ship transmissions only above 219 Mhz. The

[3] R. B. Carey, *Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service*, FCC Report No. R–6406, Federal Communications Commission, Washington, D.C. June 24, 1964.

[6] *Report of the Advisory Committee for the Land Mobile Radio Services*, Federal Communications Commission, 1967. See Volume 2, Part 2, Appendix B, "Transmitter Power, Efficiency of Communication, and Interference", pp. 1–8.

[7] J. Damelin, W. Daniel, H. Fine and G. Waldo, *Development of VHF and UHF Propagation Curves for TV and FM Broadcasting*. FCC Report R–6602, Sept. 7, 1966.

[8] A. C. Wilson, *Performance of VHF TV Receiving Antennas*, National Bureau of Standards Report 6099, May 26, 1960.

predicted range of interference with these provisions is about 1 mile as may be calculated as follows: In order to produce interference at the grade B contour, the median field of a 219–220 MHz IWCS signal must be about 20 dB higher than the median TV signal according to the estimates of Table II. Since the TV signal on this service contour is 56 dBuV/m, the potential for interference is confined to an area surrounding the ship in which the median interfering field exceeds 20 dB + 56 dBuV/m. Using the method of Bullington [9] and assuming (1) ship station ERP of 18 watts and (2) antenna heights of 30 feet for both the TV receiver and the ship station transmitter, it is found that the interfering field falls to the critical value of 76 dBuV/m at a distance of approximately 1 mile.

The forgoing calculations of interference range are estimates at best. They are included to provide a record of the quantitative TVI considerations which have been involved in the present formulation of IWCS rules.

[FR Doc. 81-7265 Filed 3-6-81; 8:45 am]
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47 CFR Part 73

Editorial Correction of Title of Broadcast Report Form 324

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order).

SUMMARY: The title of FCC Broadcast Report Form 324 is corrected by deletion of the reference to broadcast networks. This form is for use only by licensees of broadcast stations. A separate form is used by broadcast networks.

EFFECTIVE DATE: April 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Lorraine B. Schnaebele, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

Adopted: March 2, 1981.

Released: March 3, 1981.

By the Chief, Broadcast Bureau.

In the matter of editorial correction of Title of Broadcast Report Form 324; *Order.*

1. This *Order* corrects the title of FCC Form 324 as shown in Section 73.3500 of the Commissions rules. The title is currently shown as "Financial Report of Networks and Licensees of Broadcast Stations." Since a separate document; FCC Form 324–A, "Financial Report of Broadcast Networks," has been in use for several years for network use, the title of the original Form 324 is being editorially corrected by Deletion of the four words "of Networks and Licensees."

2. The editorial revision being made does not change the substantive texts, purpose, or application of the amended rule, nor remove any provisions relied upon by licensees or the public.

3. We conclude that adoption of the editorial amendment shown in the attached Appendix will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That pursuant to Sections 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, Parts 73 is amended as set forth in the attached Appendix, effective April 1, 1981.

5. For further information concerning this *Order* contact Lorraine Schnaebele, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

1. Section 73.3500 of the Commission's Rules is amended by revising the title of FCC Form 324 to read as follows:

§ 73.3500 Application and report forms.

* * * * *

324	Annual Financial Report of Broadcast Stations.

* * * * *

[FR Doc. 81-7313 Filed 3-6-81; 8:45 am]
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47 CFR Part 73

[BC Docket No. 80-74; RM-3485 and RM-3652]

FM Broadcast Stations in Marshall and Robinson, Illinois, and Loogootee, Indiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 232A to Loogootee, Indiana, as that community's first FM assignment, at the request of Charles N. Cutler. A mutually exclusive proposal to reassign Channel 269A from Robinson, Illinois, to Marshall, Illinois, and substitute Channel 232A at Robinson, is denied. According to the Commission's FM assignment policies, Loogootee is favored over Marshall for a first FM assignment.

DATE: Effective April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marshall and Robinson, Illinois, and Loogootee, Indiana).[1] BC Docket No. 80–74, RM–3485, RM–3652, Report and Order. (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 14078, published March 4, 1980, proposing the reassignment of FM Channel 269A from Robinson, Illinois, to Marshall, Illinois, and the substitution of Channel 232A at Robinson, Illinois. An *Order to Show Cause* was directed to Ann Broadcasting Company, the licensee of Station WTAY–FM in Robinson, asking why its license should not be modified to specify operation on Channel 232A. Comments were filed by David L. Taylor, the original petitioner in the proceeding ("petitioner"). Ann Broadcasting Corporation, and the AMFAC Company ("AMFAC").[2] A counterproposal was submitted by Charles N. Cutler.[3] Reply comments were filed by petitioner, and supplemental comments were filed by Cutler.

2. In his comments, petitioner incorporates by reference the information presented in his petition for rulemaking and reiterates his intent to apply for authorization to build and operate a station on Channel 269A at Marshall, if assigned. Ann Broadcasting Company states that it does not oppose

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[9] K. Bullington, "Radio Propagation at Frequencies above 30 Megacyles," *Proc. IRE*, Oct. 1947, pp. 1122–1136.

[1] This community has been added to the caption.

[2] Petitioner filed a "Motion to Dismiss" AMFAC's pleading because it was filed after the comment deadline had passed. AMFAC filed an "Opposition to Motion to Dismiss." Because the pleading merely states an interest in the assignment, we will accept AMFAC's late-filed pleading.

[3] Public Notice of the counterproposal was given on May 7, 1980, Report No. 1227.

the licensing of Marshall, Illinois. It does object to the channel modification at Robinson and avers that the Commission is obviously not concerned about the "disruption such substitution orders create."

3. Cutler opposes the assignments proposed in the *Notice* and counterproposes that Channel 232A be assigned to Loogootee, Indiana, as that community's first FM assignment.[4] In support of this proposal, Cutler states that Loogootee, which is approximately 160 kilometers (100 miles) southwest of Indianapolis, had a population in 1970 of 2,953. Loogootee is located in Martin County which had a population of 10,969 in 1970. Cutler states that the area is largely agricultural, but that several industries serve the community. Also, approximately 2,500 persons are employed at the Crane Naval Depot which is located 15 miles north of Loogootee. According to Cutler, there are no radio or television stations licensed to Loogootee or to any community in Martin County, nor are there any channels assigned to a community in Martin County. Loogootee has no daily newspaper but is served by one weekly paper. Cutler asserts that Loogootee is more entitled to a first channel than Marshall because Loogootee currently receives only one full-time radio service while Marshall (pop. 3,468) receives a minimum of seven full-time FM stations. Cutler states that an assigment to Loogootee will better meet the Commission's assignment priorities—one of which is to provide as many program choices to as many listeners as possible—than an assignment to a well-served community such as Marshall. An engineering statement is attached to Cutler's pleading which indicates that nine AM or FM stations place a Grade A full-time signal over Marshall, Illinois, whereas only one station places such a contour over Loogootee.

4. In reply comments petitioner rebuts Cutler's assertions by noting that six of the seven FM stations mentioned in Cutler's pleading are licensed to Terre Haute or West Terre Haute, Indiana. Petitioner states that the Terre Haute stations do not serve the needs of Marshall and should not be considered a substitute for local service. Petitioner notes that Marshall is larger than Loogootee and is also the county seat. Furthermore, petitioner states that the community response to his proposal has been overwhelming. Petitions signed by over 200 Marshall residents have been appended to petitioner's pleading. According to petitioner, the Commission ". . . can do no better than to heed the desires of the residents of Marshall and assign Channel 269A there."

5. Comments were also filed by the AMFAC Company supporting the assignment of Channel 232A to Loogootee. AMFAC, a group of businessmen and residents of Loogootee, states that it will apply for authorization to build and operate a station in Loogootee, if assigned. On December 15, 1980, Cutler, the petitioner for the Loogootee assignment, petitioned the Commission to dismiss the Loogootee proceeding. Cutler alleges that AMFAC is attempting to "steal" the assignment and had he known of their interest, he would have proposed an assignment for another community.

6. Initially, we note that both Marshall and Loogootee appear to deserve a first FM assignment. In order to attempt to accommodate both cities, the staff conducted a channel study to determine whether alternative assignments were available to the communities. The staff study indicates that only Channel 232A could be assigned to Loogootee and only Channel 269A could be assigned to Marshall, respectively, without affecting any other existing assignments or rule makings. If these assignments were made, then the only available substitute channel for Robinson is Channel 296A which requires a site restriction of 4.8 kilometers (3 miles) southwest of the city reference. This location is 3.5 kilometers (2.2 miles) south of the present WTAY-FM transmitter site. Although it is the Commission's policy to substitute FM channels to permit a more efficient allocation of frequencies, the Commission will not sanction a new FM assignment which would require the relocation of an existing transmitter site. *See Ashville, North Carolina*, 36 R.R. 2d 810 (1976). Therefore, without some expression of consent from the licensee of WTAY-FM in Robinson, we will not make the alternative assignments found in the staff study. We are then forced to choose between the mutually exclusive assignment plans as presented by petitioner and Cutler.

7. As noted above, we have determined that both communities appear to deserve a first FM assignment. However, since both communities cannot at this time receive an assignment, we must rely on established Commission policies in deciding which city is more deserving. Several of the Commission's FM assignment priorities apply to a comparison of the two communities.[5] The third priority, to provide each community with at least one FM station, applies equally to both cities since neither currently has an assignment. The fourth priority, to provide a choice of at least two FM services to as much of the population of the United States as possible, especially where there is no primary AM service available, applies only to Loogootee. At present, Loogootee receives a Grade A service from only one FM station, whereas Marshall receives several. In our opinion, meeting this priority outweighs the fact that Marshall is a larger community in a larger county, although the difference in population is not particularly great. For this reason, we are assigning FM Channel 232A to Loogootee, Indiana. The fact that the original proponent of the Loogootee assignment is no longer interested in applying for the channel is insignificant. A continuing interest has been expressed in the Loogootee assignment by AMFAC. The fact that the interest expressed by AMFAC was made known to the Commission after the comment deadline had passed does not dissuade us from making this assignment. As stated above, the need for an FM assignment at Loogootee has been clearly demonstrated and it would not be in the public interest to ignore the interest in the assignment and thereby force AMFAC to initiate a further proceeding seeking an assignment for Loogootee.

8. Accordingly, It is ordered, That effective April 27, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Loogootee, Indiana, as follows:

City	Channel No.
Loogootee, Indiana	232A

9. 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.

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

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

[4] The assignment of Channel 232A to Loogootee is mutually exclusive with the assignment of that channel to Robinson, Illinois.

[5] The FM assignment policies were first listed in the *Further Notice of Proposed Rule Making* in Docket 14185, FCC 62-867 (1962). See also *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520 (1974).

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7298 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-159; RM-3326]

FM Broadcast Station in Falmouth, Massachusetts; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 265A to Falmouth, Massachusetts, in response to a petition from Marshfield Broadcasting Co.

DATE: Effective April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts), BC Docket No. 80-159; RM-3326, Report and order, (Proceeding Terminated).

1. On April 11, 1980, at the request of Marshfield Broadcasting Co. ("petitioner"), the Commission adopted a *Notice of Proposed Rulemaking*, 45 FR 28777, published April 30, 1980, proposing the assignment of Channel 265A to Falmouth, Massachusetts, as its second FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments opposing the assignment were filed by New England Media Corporation ("NEMC"), licensee of FM Station WCIB, Falmouth, and K-Z Radio, Inc., licensee of Station WKZE-FM, Orleans, Mass., ("K-Z"), to which petitioner responded.

2. Falmouth (pop. 3,000), of Falmouth Township (pop. 17,500), in Barnstable County (pop. 96,658),[1] is located approximately 96 kilometers (60 miles) southeast of Boston, Massachusetts. Petitioner states that Falmouth is a rapidly growing community which serves as the economic focal point of western Cape Cod. Falmouth presently receives local service by Class B Station WCIB(FM), Channel 270.

3. In comments, K-Z takes exception to the population figures appearing in the *Notice*. K-Z points out that while the population of Falmouth Township is 17,500, the population of the Town of Falmouth is only 3,000. Falmouth's population, K-Z argues, is too small to warrant the assignment of a second FM channel. NEMC makes the same argument in its comments.

4. While it is true that the population of the Town of Falmouth is small, it is located in an area which appears to be a significant tourist center. To judge it based on the permanent population alone would not give adequate treatment to its needs. We have made assignments to small communities in order to provide additional service to those tourist areas. See, *e.g., Chatham, Mass.*, BC Docket No. 80-51, 45 FR 59687, published September 11, 1980. Neither is such an assignment violative of the population criteria which would assign 1 or 2 channels to communities of less than 50,000 population.[2]

5. In opposition, NEMC reiterated its earlier argument that Falmouth is unable to support a Class A and a Class B channel. K-Z has made the same claim. In the *Notice*, we pointed out that the question whether a community can support another radio station is normally deferred for resolution at the application stage rather than in a rule making context. *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 60 S.Ct. 693 (1940); *Carroll Broadcasting Co.* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958); *Melbourne and Satellite Beach, Florida*, 47 FCC 2d 717, 721 (1974). In comments, both NEMC and K-Z charged that by taking such a position the Commission abdicated its statutory authority to allocate frequencies in the public interest, citing *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86 (1953); *Hawaiian Telephone Co.* v. *FCC*, 30 R.R. 2d 221, 226 (D.C. Cir. 1974); *Citizens Committee to Save WEFM* v. *FCC*, 31 R.R. 2d 887 (D.C. Cir. 1974).

6. In reply, petitioner argues that in any case neither NEMC nor K-Z have presented evidence tending to show that the economic effect of another station would be detrimental to the public interest as required by the *Sanders Brothers* and *Carroll* cases.

7. The cases cited by NEMC do not stand for the proposition that economic issues are to be resolved in rule making proceedings. They hold only that the Commission cannot automatically equate additional competition with the public interest. While competition is not in and of itself undesirable, here the assignment of Channel 265A to Falmouth would provide a second local broadcast outlet, thereby providing the only local competition to a growing community heavily populated by tourists. Furthermore, the existing station, as a higher power Class B facility, would have, in the usual case, the competitive advantage over a Class A station.

8. A preclusion study shows that only Channel 265A would be affected by the assignment and that there is at least one other Class A channel available for assignment to the precluded communities. Thus, we are of the opinion that the assignment of Channel 265A to Falmouth would result in the efficient use of the FM frequencies and would be in the public interest.

9. NEMC and K-Z also oppose the assignment on the ground that it would result in the intermixture of a Class A and Class B station in Falmouth. The Commission has often held that a deviation of this type from the policy against the intermixture is justified where, as here, a demand for the Class A channel is present and where a showing has been made that no other Class B channels are available. See *Yakima, Washington*, 42 FCC 2d 548, 550.

10. We have given careful consideration to the proposal and believe it would be in the public interest to assign Channel 265A to Falmouth, Massachusetts. Canadian concurrence in the assignment has been obtained.

11. Accordingly, it is ordered, That effective April 27, 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.
Falmouth, Massachusetts	265A, 270

12. 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.

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

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

[2] See paragraph 4 of the *Further Notice of Proposed Rulemaking* in Docket No. 14185, adopted June 25, 1962 (FCC 62-867), and incorporated by reference in paragraph 25 of the *Third Report, Memorandum Opinion and Order*, 40 FCC 747, 758 (1963).

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

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7297 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-91; RM-3296, RM-3415]

FM Broadcast Stations in Carson City, Gardnerville-Minden, and Sparks, Nevada; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Gardnerville-Minden, Nevada, as that community's first FM assignment at the request of Listeners' Network; assigns Class C FM Channel 251 to Carson City, Nevada, and substitutes Channel 265A for Channel 252A at Sparks, Nevada, at the request of Patrick J. Clary and Emerald Broadcasting Company, respectively.

DATE: Effective April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1981.

Released: March 4, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Carson City, Gardnerville-Minden, and Sparks, Nevada), BC Docket No. 80-91; RM-3296; RM-3415, report and order, (Proceeding Terminated).

1. Before the Commission is a *Notice of Proposed Rulemaking*, 45 FR 16217, published March 13, 1980, proposing three alternative assignment plans involving the above-captioned cities. For allocation purposes, the two hyphenated communities were established as a single entity or twin communities and we shall hereafter refer to these places as such. See *Notice of Proposed Rulemaking, supra*, at para. 3. Briefly, Plan I proposes to add one Class C channel (Channel 251) and one Class A channel (Channel 257A) to Gardnerville-Minden and substitute Channel 272A for Channel 252A at Sparks. Plan II proposes the assignment of two Class A channels to Gardnerville-Minden. Plan III proposes to assign Class C Channel 251 to Carson City, substitute Channel 272A for Channel 252A at Sparks, and assign Channel 257A to Gardnerville-Minden. Comments were filed by Listeners' Network ("Listeners"), the petitioner for a Class A channel at Gardnerville-Minden; Carson Valley Broadcasters ("Carson Valley"), the proponent of the Class C assignment to Gardnerville-Minden; E. H. "Pepper" Schultz ("Schultz"), applicant for Channel 252A at Sparks, Emerald Broadcasting Company ("Emerald"), licensee of Station KTHO-FM at South Lake Tahoe, California; and Patrick J. Clary. Reply comments were filed by Carson Valley, Emerald, and Clary.

2. Listeners supports the adoption of Plan III as the most appropriate method for providing service to Gardnerville-Minden. Listeners states that the twin communities have a small population with little growth potential. According to Listeners, a 1.0 mV/m signal can be placed over the twin cities by using a Class A channel and that a higher powered Class C channel is not necessary to serve the cities. This petitioner opposes Plan I because of the intermixture of Class A and Class C channels and believes such a plan would leave the two cities without any service. Listeners likewise opposes Plan II because it reasons that the two stations would divide the limited advertising revenues available in the cities and thereby make neither station profitable. Listeners states that if a single Class A station is assigned to Gardnerville-Minden, it will apply for a construction permit for the channel. Carson Valley supports Plan I and the assignment of a Class C channel to Gardnerville-Minden. In support of this plan, Carson Valley states that the population of Douglas County (the county in which Gardnerville-Minden is located) is the fourth largest county in Nevada and is growing steadily. A site has been chosen by Carson Valley which it states will serve almost all of Douglas County while a Class A channel would leave half of the county unserved. According to revised figures submitted by Carson Valley, the proposed Class C station at Gardnerville-Minden would provide first service to 2,176 persons in 1,031 square kilometers (398 square miles) and second service to 2,541 people in 920 square kilometers (355 square miles).[1] Carson Valley admits that the station would have to draw advertising support from Carson City but claims that this is not inconsistent with providing the twin cities with their first local broadcast service. Furthermore, Carson Valley avers that a Class C assignment would provide FM service to a large portion of the highway that links the Carson City/Reno area to southern California, and would also serve the nearby national forest and Indian Tribe colonies.

3. Clary supports the adoption of Plan III and states that assigning a Class C channel to Gardnerville-Minden would be in fact an assignment to Carson City. Clary states that an additional channel in Carson City is needed to provide an additional outlet for local expression. Clary submits that Carson City is undergoing rapid growth. If a Class C channel is assigned to Carson City, Clary states that it will apply for authority to construct and operate a station on the assigned channel. Schultz argues that Plan II should be adopted for Gardnerville-Minden. Schultz feels that by assigning two Class A channels, the two communities could be split for allocation purposes providing one Class A channel for each place. Schultz doubts that Gardnerville-Minden could support a Class C assignment and claims that a Class C channel service area would be severely restricted by mountains to the east and west. Schultz also opposes any channel substitution in Sparks, Nevada. The comments of Emerald solely concern the channel substitution in Sparks. Emerald claims that the assignment of Channel 272A in Sparks will create a short-spacing problem with its proposed transmitter site for Class B Channel 275 at South Lake Tahoe, California.[2] Emerald states that if Channel 272A is assigned to Sparks, it will be forced to find a less desirable transmitter site. According to Emerald, several other Class A channels are available for assignment to Sparks, and one of those should be chosen instead of Channel 272A.

4. Carson Valley, in reply comments, claims that Clary is really interested in establishing another Reno-Carson City station. According to Carson Valley, Clary is permittee of a station in Las Vegas whose construction permit was granted in 1973 but which did not begin operations until 1980. Carson Valley concludes that even if Carson City deserves another assignment, Clary may not be in a position to provide service in

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[1] A subsequent staff study indicates that Carson Valley's figures for second service may be overstated due to recent changes in nearby broadcasting facilities.

[2] Emerald has petitioned the Commission to substitute Channel 275 for Channel 276A at South Lake Tahoe (see BC Docket No. 80-522).

a timely fashion. Furthermore, Carson Valley insists that it has made a greater showing of need for the Class C channel at Gardnerville-Minden due to the substantial unserved and underserved populations in Douglas County which would receive service. In response to the arguments of Listeners, Carson Valley states that assigning a Class A channel to Gardnerville-Minden would deprive many of the residents of Douglas County with much needed service and would be an inefficient assignment. Carson Valley disputes Listeners' claim that the population of Gardnerville-Minden is static by quoting from Listeners' own original petition for rule making which states that the area had an approximate population of 9,600 at the time the petition was filed. In conclusion, Carson Valley states that assigning a Class C station to Gardnerville-Minden would serve a double function: provide a first local transmission service to the twin cities, and provide a reception service to unserved and underserved areas of Douglas County.

5. Clary's reply comments reiterate his intent to apply for authority to operate on a Class C channel at Carson City, if assigned. Clary also suggests that Carson Valley has "tipped its hand" by showing that its proposed facilities in Gardnerville-Minden would provide 60 dBu coverage over Carson City and Reno to the north. Clary avers that this conclusively shows that the assignment to Gardnerville-Minden would primarily serve Carson City and Reno.

6. We are of the opinion that the communities of Gardnerville-Minden deserve a first local FM service. Having reached this threshold determination, the issue becomes whether to assign a Class A or a Class C channel to Gardnerville-Minden. After carefully considering all of the comments presented in this proceeding, we believe that assigning a Class A channel to Gardnerville-Minden is the appropriate resolution of this issue. As stated in the *Notice*, the Commission generally reserves high powered Class C channels for larger communities. Exceptions to this policy have been made where Class A channels are not available or where the assignment will serve significant unserved or underserved populations. In this instance, however, the unserved and underserved outlying areas can be reached as well by assigning the Class C channel to the larger and more important community of Carson City. Our experience in this type of case is that regardless of the eventual licensee's intent the primary focus of the station's service is directed to the larger city's needs. See *Albuquerque and Alameda, New Mexico*, BC Docket No. 80-160, 46 FR 10724, published February 4, 1981. Even Carson Valley, the proponent of assigning a Class C channel to the twin cities, admits that it would gear much of its entertainment schedule to the interests of Carson City in order to attract the necessary advertising revenues. For these reasons, we will assign, instead, Channel 257A to Gardnerville-Minden as its first FM assignment. This assignment requires a site restriction of 11 kilometers (7 miles) west of Minden. We note that additional Class A channels are available for assignment to the communities if further interests develop.

7. A second issue concerns the proposal to assign a third FM channel to Carson City. According to the Commission's population guidelines, a city the size of Carson City would be entitled to a total of two FM assignments. However, these population guidelines are not immutable standards, and assignments exceeding these guidelines have been made where the preclusive impact of the assignment is negligible and an interest has been shown for an additional channel. *Waycross, Ga.*, 45 FR 25806, published April 16, 1980. A preclusion study for Channel 251 indicates that five communities with populations over 1,000 having no FM assignments or AM stations will be precluded. Other channels are available for assignment to these communities. Because the preclusive impact of the assignment is insignificant and an interest has been shown for its use, we will assign Channel 251 to Carson City. A site restriction of 2 kilometers (1.3 miles) southeast is required. As stated in the *Notice*, this assignment requires the substitution of channels at Sparks, Nevada. In response to Emerald's request that some channels other than Channel 272A be assigned to Sparks, we have determined that Channel 265A is available. Therefore, we will delete Channel 252A at Sparks and replace it with Channel 265A. In this regard, the applicants for Channel 252A at Sparks may amend their applications to specify operation on Channel 265A.

8. Accordingly, it is ordered, That effective April 27, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Carson City, Nevada	234, 247, 251.
Gardnerville-Minden, Nevada	257A.
Sparks, Nevada	265A.

9. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Order* to E. H. Schultz, 527 10th Street, Sparks, Nevada 89431; and Beck Enterprises, Inc., 2300 Budrow, Reno, Nevada 89502, the applicants affected by this *Order*.

10. Authority for the actions taken herein are 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 Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7296 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-282; RM-3411, 3425, 3736]

FM Broadcast Stations in Woodward and Alva, Oklahoma; Changes Made in Table of Assignments; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action amends the Report and Order in BC Docket No. 80-282, concerning FM channel assignments to Woodward and Alva, Oklahoma, adopted February 6, 1981, and released February 13, 1981. The reference in the last sentence of paragraph 12 of the Report and Order should be to "Hamilton I" plan instead of the "Hamilton II" plan. Correction of this error does not affect any action taken in the Report and Order.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: February 24, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodward and Alva, Oklahoma), BC Docket No. 80-282, RM-3411, RM-3736 and RM-3425.

In paragraph 12 of the above-captioned *Report and Order*, Mimeo No. 28864, adopted February 6, 1981, and released February 13, 1981, (46 FR 12708) the Commission concluded the "Hamilton II" assignment plan would be adopted. This reference was in error. The paragraph should state that the plan adopted is the "Hamilton I" plan. However the paragraph ordering an amendment to the FM Table of Assignments was stated correctly (paragraph 13).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-7322 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

Milk in the Middle Atlantic Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Middle Atlantic Federal milk order. The action was requested by a handler operating a distributing plant in the regulated area. It would remove the limit on the type of pool plant that can become qualified for "automatic" pool plant status on the basis of having been a pool plant during the prior September through February period. The suspension is proposed for March 1981 through August 1981.

DATE: Comments are due on or before March 16, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of March 1981 in the suspension period if this is found necessary.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accure from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.),* the suspension of the following provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for March 1981 through August 1981:

In § 1004.7(e) the words "of paragraph (e)(1)" and the words "paragraph (b) of" as they first appear in the paragraph.

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 16, 1981.

The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for March 1981 through August 1981 the provisions that limit the type of pool plant that can become qualified for "automatic" pool plant status on the basis of having been a pool plant during the prior September through February period. The proposed action was requested by Michaels Dairies, Inc., a proprietary handler who operates a pool distributing plant.

Michaels Dairies, Inc., indicates that it has found it necessary to transfer Class I milk to another Order 4 regulated handler during the past few months in order to maintain pool status for its plant and to assure continued pooling status for the milk of its producers. The handler states that it is unlikely that it can continue to qualify its plant for pool status by such means since the Class I utilization percentage for the market is declining and, therefore, other Class I handlers do not have a need for any of the reserve milk supplies associated with its distributing plant.

Proponent claims that the failure of its plant to meet the pooling requirements would result in the milk of many producers who are regular suppliers on the market not being priced and pooled under the order. Without the suspension, proponent believes that there would be a disruption in the orderly marketing of the milk of the producers associated with its plant.

Signed at Washington, D.C., on March 3, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7276 Filed 3-6-81; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17583; File No. S7-648]

Dissemination of Quotations for Reported Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments.

SUMMARY: The Securities and Exchange Commission ("Commission") is proposing for comment amendments to its rule governing the collection and dissemination of quotation information. The proposed amendments to the rule would, under certain specified circumstances, permit market centers to disseminate quotations on a voluntary, rather than mandatory, basis.

DATE: Comments should be submitted on or before May 8, 1981.

ADDRESSES: Comments should refer to File S7-648 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection and copying at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. (File No. S7-648).

FOR FURTHER INFORMATION CONTACT: Bruce Beatt (202-272-2886), Room 390, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announced today that it is publishing for comment amendments to Rule 11Ac1-1 [1] under the Securities Exchange Act of 1934 ("Act") [2] which, if adopted, would permit market centers, under certain specified circumstances, to disseminate quotations on a voluntary, rather than mandatory, basis.

I. Introduction and Background

On January 26, 1978, the Commission adopted Rule 11Ac1-1 ("Quote Rule" or "Rule") [3] under the Act, which requires all national securities exchanges and associations to establish and maintain procedures for collecting from their members bids, offers and quotation sizes with respect to any reported security, [4] and for making such bids, offers and sizes available to quotation vendors. It also requires that every exchange member and third market maker [5] promptly communicate to his procedures established by the exchange or association, his bids, offers and quotation sizes. [6] In addition, the Quote Rule requires that, subject to certain exceptions, the broker or dealer responsible for communicating a quotation for a reported security ("responsible broker or dealer") shall be obligated to execute any order presented to him, other than an odd-lot order, at a price at least as favorable as the responsible broker's or dealer's published bid or offer in any amount up to his published quotation size. [7] Finally, the Quote Rule has been interpreted by the Commission to require all exchange specialists and third market makers to make available to other market centers continuous two-sided quotations throughout the trading day. [8]

The adoption of the Quote Rule in its present form has affected the behavior of market makers, particularly specialists on the regional exchanges and third market makers. Prior to the adoption of the Quote Rule, specialists on the so-called "primary exchanges," *i.e.*, the American Stock Exchange, Inc., ("Amex") and the New York Stock Exchange, Inc. ("NYSE"), [9] made available to vendors continuous two-sided quotations, though on a non-firm basis, in most, if not all, of their specialty stocks. Those exchanges also had in place reporting procedures and personnel specifically designed to ensure that quotations were kept up-to-date to the extent practicable given the type and volume of activity on their respective floors. Regional exchange specialists and third market makers, on the other hand, did not, prior to the adoption of the Quote Rule, generally disseminate, or make substantial efforts to keep up-to-date, two-sided quotations in all of the stocks they traded. [10] This behavior may be explained, at least in part, by two factors. First, in a market environment in which most retail brokerage firms routed the great preponderance of their small and moderately-sized orders directly to the primary exchanges, and in which there were no intermarket linkages to permit efficient order routing from one market center to another, there was little or no economic incentive for regional exchange specialists and third market makers to publicly disseminate continous two-sided quotations. Second, because there was insufficient interest in regional exchange or third market maker quotations to permit those exchanges or the National Association of Securities Dealers, Inc. ("NASD") to charge vendors for receipt of such quotation information, dissemination of quotation information was not deemed to be cost efficient. [11] Taken together, these factors appear to have led regional exchange specialists and third market makers to conclude that the cost burdens associated with the public dissemination of quotations outweighed any competitive benefits to be obtained. Consequently, rather than attempting to compete for order flow on the basis of disseminating continuous two-sided quotations in their stocks, regional exchange specialists and third market makers chose to make markets in response to customer inquiry, *i.e.*, to provide quotations to interested buyers and sellers only upon request.

In determining to adopt the Quote Rule in a form requiring continuous dissemination of two-sided quotations, the Commission recognized that the Rule would have some cost impact on regional exchanges and third market makers in terms of developing and implementing quotation collection and dissemination procedures and mechanisms. [12] It also recognized that the Rule would represent some change in the manner in which regional exchanges and third market makers traditionally made markets. Nevertheless, the Commission determined to take this step because it hoped that, with the general availability of firm quotations from all market centers and the development of improved order routing mechanisms, greater emphasis would be placed on individualized order routing to the market center displaying the best quotation. [13] In addition, the Commission

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[1] 17 CFR 240.11Ac1-1.

[2] 15 U.S.C. 78a *et seq.*, as amended by the Securities Acts Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97, [1975] U.S. Code, Cong. & Ad. News 97.

[3] *See* Securities Exchange Act Release No. 14415 (January 26, 1978) ["Rule 11Ac1-1 Adoption Release"], 43 FR 4342.

[4] The term "reported security" refers to any security or class of securities for which transaction information is collected, processed and made available pursuant to an effective transaction reporting plan filed under Rule 11Aa3-1 under the Act [17 CFR 240.11Aa3-1]. Transaction reports and last sale data are reported in the consolidated transaction reporting system ("consolidated system") contemplated by Rule 11Aa3-1.

[5] Paragraph (a)(1) of the Quote Rule defines the term "third market maker" to mean: Any broker or dealer who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such broker or dealer who also represents, as agents orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association . . . pursuant to [the Rule] on behalf of such other persons as well as for his own account). Rule 11Ac1-1(a)(1).

[6] This is referred to as the "mandatory participation" requirement of the Quote Rule.

[7] This is referred to as the "firmness" requirement of the Quote Rule.

[8] *See* Rule 11Ac1-1 Adoption Release, *supra* note 1, at 25, 43 FR at 4345.

[9] The Amex and the NYSE are referred to as the primary exchanges because, in most multiply-traded securities, *i.e.*, securities which are traded in more than one market center, they are responsible for the largest share of the aggregate trading volume as reported in the consolidated system.

[10] It should be noted that, beginning one year prior to the adoption of the Quote Rule, the Philadelphia Stock Exchange, Inc. ("Phlx") disseminated continuous two-sided quotations, though on non-firm basis and without size, in certain multiply-traded securities.

[11] In contrast, prior to the adoption of the Quote Rule, vendors and other subscribers paid the primary exchanges for receipt of their quotations.

[12] *See* Rule 11Ac1-1 Adoption Release, *supra* note 1, at 29-35, 43 FR at 4346-47.

[13] On the same day the Commission adopted the Quote Rule, January 26, 1978, it also called for the development of a universally available message switch, permitting any broker or dealer to route orders for the purchases or sale of qualified securities from its offices to any qualified market trading in that security. Securities Exchange Act Release No. 14416 (January 26, 1978) at 29, 43 FR 4354, 4358. Subsequently, in June 1978, the

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believed that the development of the Intermarket Trading System "ITS") [14] would provide regional exchange specialists and third market makers with enhanced opportunities to attract order flow through the widespread dissemination of competitive quotations, thereby fostering "increased competition in market making." [15]

After two years of experience with the Quote Rule, however, the Commission's hopes have not been fully realized. While certain regional exchange specialists do actively compete for order flow by disseminating competitive quotations in a limited number of actively traded ITS stocks, regional exchanges (and their specialists), by and large, prefer to continue to use other methods to compete with the primary exchanges for order flow. These methods include reductions in charges for execution or clearing services and guarantees (either to individual retail brokerage firms or on individual orders) against transactions occurring on the primary exchanges at equal or superior prices. Even where regional exchanges have elected to compete on the basis of machine-displayed quotations, that competition has not, for the most part, had any significant effects on order flow patterns. First, retail brokerage firms continue to route most of their customer orders directly to the primary exchanges irrespective of the displayed quotations of other market centers. [16] Second, specialists on the primary exchanges often provide brokers and dealers on the floors of those exchanges with executions which match superior displayed quotations from the regional exchanges, thereby lessening the extent to which regional exchange specialists are able to attract order flow through the ITS by disseminating competitive quotations. [17]

Given the current market environment, in which regional exchange specialists and third market makers cannot, in many cases, expect to receive order flow on the basis of their displayed quotations, the Commission believes that it may be appropriate to reconsider whether market makers should be required, at all times, to disseminate continuous two-sided quotations. Reconsideration of this issue is also appropriate because, as discussed more fully below, certain problems have been perceived with respect to the usefulness and reliability of quotations disseminated by regional exchange specialists and third market makers.

II. Problems Raised by the Methods Through Which Regional Specialists and Third Market Makers Comply With the Quote Rule

A. Regional Exchanges

In order to comply with the Quote Rule, regional exchanges have developed computer systems (collectively, "Autoquote"), [18] which permit specialists on those exchanges to disseminate quotations automatically in response to quotation changes on the primary exchanges. The development of Autoquote was necessary to permit compliance with the Quote Rule by regional exchange specialists, who generally make markets in a far greater number of securities than their primary exchange counterparts, and who would otherwise have significant difficulty in manually monitoring and updating quotations (at least without incurring substantial additional clerical expenses). In this regard, one regional exchange, the BSE, has described the need for, and use of, Autoquote as follows:

> Specialists on this Exchange and on other Regionals employ the "Autoquote" system for the automatic update of quotations of securities they are not actively trading. The fact is that utilization of such a system is necessary because of the provisions of the Commission's Rule 11Acl-1, which requires that each market maker make available during hours of trading a two-sided quotation for each issue in which he is registered. It is also a fact that Regional Specialists have traditionally been assigned a greater number of issues per unit than their counterparts on the primary market, and that frequently the Regional Specialist may go for days without seeing an order in some of his assigned issues. Because of the absence of a consistent order flow, the economics of the situation dictate that he devote his primary attention to those active issues in which he does see an order flow and in which he believes that he can make a competitive market. On such

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Commission solicited comment on the basic question of whether order-by-order routing of retail orders to the market center disseminating the best quotation accompanied by a quotation size equaling or exceeding the order in question (*i.e.*, the best market size) should be a characteristic of the national market system. *See* Securities Exchange Act Release No. 14885 (June 23, 1978), 15 SEC Docket 138. Since March 1979, however, the Commission has deferred further consideration of this issue. In determining to defer the order routing issue, the Commission indicated that, "[given] the current trading environment, in which quotations are not firm under all circumstances, and [in which] there are practical limitations on access for execution purposes and differences in clearing costs, it is questionable whether individualized routing of all orders on the basis of machine displayed quotations should be required." *See* Securities Exchange Act Release No. 15671 (March 22, 1979) ("March 1979 Status Report"), at 44, 44 FR 20360, 20365.

[14] The ITS, which commenced operation on a pilot basis on April 17, 1978, is an intermarket order routing facility which permits orders for the purchase and sale of multiply-traded securities to be sent directly from one market center to another. At present, six market centers are linked through the ITS: the Amex; the Boston Stock Exchange, Inc. ("BSE"); the Cincinnati Stock Exchange, Inc. ("CSE"); the Midwest Stock Exchange, Inc. ("MSE"); the NYSE; the Pacific Stock Exchange, Inc. ("PSE") and the Phlx.

[15] The Commission further considered the adoption of the Rule in its current form "as an appropriate step in facilitating the integration of all markets into a national market system, including assuring the availability to brokers, dealers and investors of information with respect to quotations for . . . securities and the practicability of brokers executing investors' orders in the best market." Rule 11Acl-1 Adoption Release, *supra* note 1, at 31, 43 FR at 4346 (citations omitted).

[16] Retail brokerage firms have argued, in the past, that the cost savings of automatically routing small or moderately-sized customer orders to the primary exchanges exceed any benefit to customers (in terms of the total cost of execution) which would result from individual order processing. In addition, retail firms have argued that, by automatically routing customer orders to the primary exchanges, they are more likely to obtain "best execution" for their customer orders because any undisclosed buying and selling interest in the crowd on the primary exchanges would provide a better price than might otherwise be disclosed by the consolidated system. The extent to which this can actually occur depends, of course, upon the existence of a crowd and the interest represented therein. *See* letter to George A. Fitzsimmons, Secretary, Commission, from Jerome E. Grossman, Bache Halsey Stuart Shields Incorporated, Peter H. Shipman, Blyth Eastman Dillon & Co., Incorporated, Thomas C. Schneider, Dean Witter Reynolds Inc., Norman M. Epstein, E.F. Hutton & Company Inc., Leopold Korins, Merrill Lynch & Co., Alexander R. Piper, III, Paine Webber, Jackson & Curtis Incorporated, John B. Lynch, Smith Barney, Harris Upham & Co., Incorporated, Robert A. Prindiville, Thomas McKinnon Securities Inc., dated August 1, 1978, File No. S7-735-A.

As noted above, *see* note 13, *supra*, the Commission has deferred consideration of whether to require order-by-order routing of retail orders to the market center disseminating the best quotation. Nevertheless, as the Commission has previously indicated, it does believe that "a broker routing retail orders in a particular security to a single market (whether by automated or other means) must at least make periodic assessments of the quality of competing markets to assure that it is taking all reasonable steps under the circumstances to seek out best execution of customers' orders." March 1979 Status Report, *supra* note 13, at 39, 44 FR at 20366.

[17] Similarly, because retail brokerage firms direct most of their order flow directly to the primary exchanges, third market makers have little economic incentive to disseminate competitive quotations. Indeed, their situation is exacerbated by the fact that there is currently no ITS linkage between third market makers and other ITS market centers. In this regard, it should be noted that, on February 5, 1981, the Commission proposed an order which, if issued, would require a linkage between the NASD's NASDAQ system and the ITS by September 30, 1980. *See* Securities Exchange Act Release No. 17516 (February 5, 1981) ("Proposed Linkage Order"). This linkage would permit third market makers to send orders to, and receive orders from, other ITS market centers in securities subject to Rule 19c-3 under the Act ("Rule 19c-3 securities") [17 CFR § 240.19c-3].

[18] The BSE, MSE, and PSE use a computerized quotation system developed and operated by Quotron Systems, Inc. ("Quotron"), a quotation vendor. The Phlx, on the other hand, uses its own computerized quotation system to perform the same function.

issues he will manually input and update his quotations. In the balance of his assigned issues, those in which he is not actively trading at any given time, he will most likely resort to the Autoquote system and set parameters ⅛ or ¼ around or track identically the primary market quote, in order to comply with Rule 11Ac1-1.[19]

Thus, with respect to securities in which they receive a small percentage of the order flow, Autoquote provides regional exchange specialists with a means of complying with the mandatory participation provisions of the Quote Rule. However, over the past two years, certain problems have been perceived in connection with the use of Autoquote.

1. *Reliability Problem.* First, as noted in the Commission's most recent ITS Extension Order,[20] there is a widespread perception (particularly among members of the Amex and the NYSE), that quotations generated by Autoquote are unreliable.[21] This perception has been caused, at least in part, by the failure of certain regional exchange specialists to consistently honor their automatically generated quotations. While the Commission is unsure whether this practice is, or was at one time, commonplace on the regional exchanges,[22] the perceived existence of this practice has resulted in a general unwillingness on the part of some brokers and dealers to send commitments to trade through the ITS to any regional exchange specialists whom they believe are employing Autoquote.[23]

The perception that Autoquote quotations are unreliable is also fostered by the fact that certain regional specialists disseminate quotations which are uncompetitive with the primary market or which have unusually large spreads. The Commission's experience to date indicate that, in a significant number of stocks, regional exchange specialists set parameters in Autoquote so as to disseminate nominal quotations away from the primary exchange markets in order to effect apparent "technical" compliance with the Quote Rule.[24] At the same time, these specialists may provide executions at the primary exchange price in accordance with pre-existing arrangements with retail brokerage firms.[25] This activity arguably creates so-called "hidden markets," which are available to some, but not all, market participants. In addition, it results in the dissemination of quotations which do not give a meaningful indication of prices at which regional specialists would deal if presented an order.

2. *Vendor Display Problem.* Second, as noted in the Commission's release adopting Rule 11Ac1-2 under the Act[26] ("Vendor Display Rule"), the use of Autoquote also raises concerns in connection with the creation of the consolidated best bid and offer display ("BBO") mandated by that Rule.[27] Currently, Autoquote systems have reaction times which vary, depending upon the particular system and level of trading activity, from a few seconds to approximately thirty seconds. The result of these delays is the generation of up to four additional BBO calculations and messages (with resulting increased demands on vendor systems).[28] Moreover, these delays raise the possibility that brokerage firm registered representatives and investors inquiring for the BBO (or a regional exchange quotation) during the time interval between dissemination of changes in the quotation of a primary exchange and generation of corresponding changes in regional quotations by the Autoquote systems may be misled as to the "true" BBO (or true regional quotation) by a "stale" quotation from a regional exchange.

The Commission believes that such delays, if permitted to continue would seriously undermine any utility of a BBO display. This, in turn, may reduce the incentive for retail brokerage firms and investor's to consider consolidated market information, in addition to primary market information, in making their execution decisions.[29] In this

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[19] *See* letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from James E. Dowd, President, BSE, dated March 19, 1980, File No. S7-759, at 1.

[20] Securities Exchange Act Release No. 16214 (September 21, 1979) ("ITS Extension Order"), at 6, 44 FR 56069, 56070.

[21] The apparent unreliability of quotation information is not limited to quotations automatically generated by regional exchange specialists. As indicated in the ITS Extension Order, "a significant number of commitments to trade sent to hit bids and offers on the primary exchange[s] were cancelled [*i.e.*, rejected or permitted to expire unexecuted]. While some portion of these cancellations may be accounted for by the exceptions to firmness provided in the Commission's [Quote Rule] . . . , it may also be that some portion of cancellations and expirations result from violations of that Rule." *Id.* (citations omitted).

[22] In this regard, the MSE has specifically denied that its specialists have refused to honor their Autoquote quotations:

> We stand behind our displayed quote because we believe the firm-quote rule requires that we do so and because it will result in increased business. It has been, and continues to be our policy that responsible broker/dealers be held firm to their published quotation. As far as we are concerned, there is not discrimination based upon how that published quotation was generated. All published quotations are firm, whether they were generated by an automated quotation system, or by a direct entry by the broker in the manual or manual override manner.

Letter to George T. Simon, Assistant Director, Division of Market Regulations, Commission, from Kenneth J. Rosenblum, Senior Vice President and General Counsel, dated March 20, 1980, File No. S7-759, at 1.

[23] The Commission understands that members of the ITS User's Committee, comprised of specialists and floor brokers, have reached an informal agreement that specialists automatically generating quotations will only indicate quotation sizes of 100 shares on either side. As a result, floor members are now able to determine, in most cases, whether a specialist on a regional exchange is disseminating Autoquote quotations.

The Commission further understands that, although the ITS participants have reached an agreement in principle to adopt a trade-through rule, that rule would not be applicable to quotations of 100 share size. This would appear to suggest the tacit recognition on the part of ITS participants that Autoquote quotations are not, under all circumstances, reliable.

[24] The Commission notes that this activity may not actually comply with the Quote Rule. The definition of "bid" and "offer" in paragraph (a)(8) of the Quote Rule requires that the actual prices at which a responsible broker or dealer is willing to effect transactions be disseminated. In its release adopting the Quote Rule, the Commission stated its belief that "if a market maker continuously communicates quotations which do not reflect its actual market, that activity would constitute a violation of Rule 11Ac1-1. . . ." Rule 11Ac1-1 Adoption Release, *supra* note 1, at 35, 43 FR at 4347.

[25] Moreover, two exchanges, the PSE and the Phlx, have developed automated execution systems (named "Scorex" and "PACE" respectively) which have computerized this process by permitting retail brokerage firms to transmit orders to those exchanges and receive automatic executions based on a derivative pricing formula.

[26] 17 CFR 240.11Ac1-2.

[27] Securities Exchange Act Release No. 16500 (February 19, 1980), ("Vendor Display Release"), at 39, 45 FR 12391, 12398. The Vendor Display Rule, among other things, requires quotation vendors to provide, at a minimum, either a best bid and offer display, *i.e.*, a display which identifies the market center or centers disseminating the best bid and best offer for a reported security, including size, or a montage display, *i.e.*, a display which includes quotations from all reporting market centers. As discussed below, *see* text accompanying note 31, *infra*, the Commission has delayed the effective date of the Vendor Display Rule from October 5, 1980 to September 1, 1981. However, one vendor, GTE Information Systems, Inc. ("GTE"), currently provides a BBO display to its subscribers.

[28] The following hypothetical example illustrates this process. Assume that the primary exchange in *XYZ* stock is quoting $20⅛ bid, offered at $20⅜. Assume further that the regional exchanges are automatically disseminating quotations an ⅛ point away from the primary exchange, *i.e.*, at $20 bid, offered at $20½. If the quotation on the primary exchange is revised downward by an ⅛ point as a result of a trade or otherwise, one of the regional exchanges will become the "best market" until its automated system can reestablish the ⅛ point difference between its quotation and that of the primary exchange. Due to the varying reaction and transmission times of the automated systems used by regional exchanges, this process will be repeated for each regional exchange until the primary exchange is once again the best market at $20 bid, offered at $20¼. The result of this process will be the generation of heavy message traffic and a rapidly changing BBO.

[29] The tendency of market professionals today to rely, almost exclusively, upon market information from the primary exchanges may reflect the view that these markets are the primary pricing mechanism. Nonetheless, "trade-throughs" continue to occur and superior bids and offers on the regional

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regard, several vendors, including Bunker Ramo Corporation ("Bunker Ramo"), GTE and Quotron, have informed the Commission that the BBO displays which they plan to provide in order to comply with the Vendor Display Rule will not be dynamically updated. As a resut, once the BBO display has been recalled, it will not reflect subsequent changes in either the best bid or the best offer. Thus, if a subscriber recalled the BBO display for a security in which one or more regional exchanges were employing Autoquote systems, during the period of time after a primary exchange quotation change but before conforming changes were made by regional exchanges using Autoquote, he could receive a misleading indication of the prevailing inside market, *i.e.*, the BBO display would reflect neither the quotation changes about to be generated by Autoquote nor the exchange actually providing the BBO.[30] In part because of these concerns, the Commission deferred the effective date of the Vendor Display Rule from October 5, 1980 to September 1, 1981, to permit, among other things, the regional exchanges to solve certain problems inherent in the Autoquote systems employed by those exchanges.[31]

3. *Cost Problem.* Finally, the use of Autoquote raises serious concerns in connection with the costs imposed on vendors to process and disseminate automatically generated quotations. Over the past few years, there has been a tremendous growth in the amount of financial information that vendors process and make available to their subscribers, including information pertaining to securities options and commodities futures. In addition, due to recent volume surges (and the concomitant increase in transaction and quotation changes), vendors have been required to disseminate additional information pertaining to securities trading. These developments have placed significant strains on vendor systems and other vendor resources which, in turn, have created general delays in the dissemination of market information. In this connection, certain vendors have recommended to the Commission that, in order to eliminate the need to process and make available Autoquote quotations, the Commission should amend the Quote Rule to permit regional exchange specialists to disseminate quotations on a voluntary, rather than mandatory, basis.[32] In support of this proposal, vendors have indicated that there is little or no subscriber interest in Autoquote quotations and that, because Autoquote quotations often track away from the primary exchange quotations, such quotations are not useful.[33] Vendors have further stated that the cost burdens associated with disseminating Autoquote quotations are substantial and unwarranted.[34]

B. Third Market Makers

Third market makers do not currently use Autoquote to comply with the Quote Rule. Instead, they disseminate quotations in their securities manually. At the same time, however, the Commission understands that, in order to avoid the costs associated with constantly monitoring and updating their quotations, certain third market makers disseminate quotations on an extremely infrequent basis during the trading day, such that, particularly in active markets, it is not unusual for these quotations to become stale, locking and often crossing more actively monitored (and reliable) quotations from exchange markets.[35] This practice raises several concerns. First, quotations disseminated in this fashion are unreliable, *i.e.*, they do not give an accurate indication of the prices at which a third market maker would deal if presented with an order.[36] Second, because these quotations are often left unmonitored and may "lock" or "cross" the quotations of other market centers, any BBO display reflecting these quotations would be inaccurate and misleading.[37] Finally, to the extent that such quotations do not accurately reflect a third market maker's actual market, the mandatory dissemination of that information by vendors creates costs which would appear to be unwarranted.

III. Discussion

In order to resolve the above described problems, the Commission is proposing amendments to the Quote Rule which would, under most circumstances, permit regional exchange specialists and third market makers to disseminate quotations on a voluntary, rather than mandatory, basis. It is the Commission's expectation that, if these proposed amendments were adopted, regional exchanges would, absent regulatory compulsion, discontinue their use of Autoquote.[38] The Commission

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exchanges and the third market continue to be bypassed. The Commission believes that making transaction and quotation information from these markets available "upstairs" in a useful and easily accessible manner may, over the long run, increase the perception on the part of investors and market professionals that markets other than the primary exchanges are available and that sometimes these markets offer superior execution opportunities. The Commission further believes that the availability of the BBO should enhance the ability of public investors to police the efforts of their brokerage firms to obtain the best price possible for their orders.

[30] It should be noted that, during periods of active trading, the use of Autoquote produces a tremendous volume of quotation changes. These changes, in turn, have caused significant delays in the consolidated system and in the computer systems of vendors. *See* letter to CQS Subscribers from John H. Hodges, Senior Vice President, NASD, dated November 28, 1980, File No. S7–759.

[31] Securities Exchange Act Release No. 16924 (June 24, 1980), 45 FR 44922. In this regard, it should be noted that, while regional exchanges have recently taken steps to improve Autoquote response times, delays still occur during periods of active trading, *e.g.*, at the opening of the market.

[32] *See, e.g.*, letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from Donald H. Bodell, Vice President & General Manager, GTE, dated March 19, 1980, File No. S7–759; letter to George T. Simon, Assistant Director, Division of Market Regulation, Commission, from M. Sumner, Securities Industry Liaison, Bunker Ramo ("Bunker Ramo Letter"), dated March 18, 1980, File No. S7–759.

[33] *Id.*

[34] One vendor, Bunker Ramo, expressed this point of view as follows: [Autoquote] quotes are wasteful of very valuable technical resources—including both the central and distributed data processing and expensive communications facilities operated by the exchanges, the CQ Processor, and each vendor—the very same resources which the 1975 Amendments to the Exchange Act perceives as the basis for developing the National Market System. Each meaningless [Autoquote] quote takes up unrecoverable time in many computers and communications circuits—impeding and delaying the processing of other, more useful and meaningful information. Such a secondary result of processing [Autoquote] quotes is obviously undesirable in its effect on the functioning of the markets for all securities—including those whose quotes may not be included in [Autoquote] systems. Bunker Ramo Letter, *supra* note 32, at 2.

[35] A third market maker quotation "locks" the quotation of another market center whenever a third market maker bid is equal to the offer of another market center (or whenever a third market maker offer is equal to the bid of another market center). Similarly, a third market maker quotation "crosses" the quotation of another market center whenever a third market maker bid is higher than the offer of another market center (or whenever a third market maker offer is lower than the bid of another market center).

[36] This behavior may be explained, at least in part, by the absence of economic incentives to disseminate competitive quotations. As noted above, unlike regional exchange specialists, who may occasionally receive orders through the ITS as a result of having a better quotation, third market makers seldom, if ever, receive order flow on the basis of their displayed quotations. *See* note 17, *supra*.

[37] The Commission has warned third market makers that "insertion or maintenance of bid and offer prices which do not represent the actual prices at which the responsible broker or dealer is willing to effect transactions fails to comply with [the Quote Rule] and violates the prohibition against fictitious quotations found in Section 15(c)(2) of the Act." The Commission has also requested the NASD "to actively monitor the quotations of third market makers to assure compliance with [the Quote Rule]." Vendor Display Release, *supra* note 27, at 39–40, 45 FR at 12398. *See also* Rule 11Ac1–1 Adoption Release, *supra* note 1, at 35, 43 FR at 4347.

[38] The Commission specifically solicits comment from the regional exchanges and other interested persons as to whether regional exchange specialists

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believes that the elimination of Autoquote and dissemination by regional specialists and third market makers of quotations only in securities in which they wish to make active, competitive markets would have general ameliorative effects. First, the reduced flow of quotation information would significantly resolve current vendor capacity problems and the display problems associated with Autoquote or stale quotations. In addition, because, under the proposed amendments, regional exchange specialists and third market makers would be relieved of their obligation to disseminate continuous two-sided quotations in those securities in which they were not interested in actively competing with the primary exchanges, the information disseminated to the public should more accurately reflect the interest of regional exchange specialists or third market makers in attracting order flow.[39] Finally, the Commission believes that these developments, taken together, would greatly enhance the perception of brokers and dealers as to the general reliability and usefulness of quotation information.[40]

IV. Description of Proposed Amendments

The proposed amendments to the Quote Rule would establish two distinct standards for determining whether an exchange specialist, third market maker, or other responsible broker or dealer would be required to communicate quotations to his exchange or association for public dissemination.[41] The first standard would require that, with respect to any "exchange-traded security"[42] (other than a Rule 19c–3 security), only the market center with the largest percentage of the aggregate trading volume as reported in the consolidated system would be required to disseminate quotations. This standard is designed to relieve exchange specialists and third market makers from the burden of disseminating continuous two-sided quotations in those exchange-traded securities in which they receive only a small percentage of the total consolidated order flow. Such market makers would be permitted to disseminate quotations on a voluntary basis, however, subject to complying with the firmness requirement of the Rule.[43] At the same time, this standard would continue to impose a mandatory dissemination requirement on specialists and other responsible brokers and dealers who trade securities on the "principal market," as that term is defined in the proposed amendments.[44] This is appropriate, in the Commission's view, because quotation information from the principal market is essential to investors in pricing their securities orders and in monitoring the executions they receive from their brokerage firms.

The second standard would establish a separate, more inclusive, test for Rule 19c–3 securities and reported securities traded exclusively in the over-the-counter market ("OTC securities").[45] Specifically, this standard would require that, with respect to any Rule 19c–3 security or OTC security, each market center which was responsible for more than 1% of the aggregate trading volume as reported in the consolidated system would be required to disseminate quotations.[46]

The Commission believes that a separate standard is appropriate with respect to Rule 19c–3 securities for two reasons. First, absent a more inclusive standard, retail brokerage firms, including firms which control a significant share of the order flow in Rule 19c–3 securities, would be allowed to "internalize"[47] their order flow without making their quotations publicly available to other market centers. This practice would undermine the Commission's efforts to enhance competition between exchange and over-the-counter markets and, in turn, the integrity of the Rule 19c–3 experiment.[48] Second, a more inclusive

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should be permitted to continue using Autoquote in the event that the Quote Rule is amended. In this connection, the Commission recognizes that Autoquote may have some residual value to regional exchange specialists to the extent it provides such specialists with a means of advertising their markets. In addition, because ITS market centers are presently required to disseminate continuous two-sided quotations in securities they wish to trade through the ITS, regional exchanges may find the continued use of Autoquote helpful in meeting that requirement. *See* Plan for the Purpose of Creating and Operating an Intermarket Communication linkage ("ITS Plan"), File No. 4–208, at 10–11. Nevertheless, in view of the problems raised in connection with the cost, usefulness, and reliability of automatically generated quotations, the Commission preliminarily believes that the continued use of Autoquote may be inconsistent with the purposes of the Act. Accordingly, if the Quote Rule is amended, the Commission would be prepared to take action under Section 11A of the Act, 15 U.S.C. § 78k–1, if necessary, to preclude the use of Autoquote.

[39] The increased accuracy of quotation information disseminated by regional exchanges and third market makers would, in turn, make it easier for the Commission and the securities industry to address the trade-through problem.

[40] As noted above, *see* note 21, *supra*, certain concerns have also been raised in connection with the reliability of quotation information disseminated by the primary exchanges, particularly during periods of active trading. The Commission believes that it is especially important that quotation information from the primary exchanges be timely and reliable and, therefore, requests those exchanges to take whatever steps are necessary (including the use of additional floor reporters) to permit them to collect and disseminate quotation changes expeditiously. In this regard, the NYSE has indicated to the Commission that it intends to file a proposed rule change pursuant to Section 19(b) of the Act which will, among other things, facilitate NYSE member compliance with the requirements of the Quote Rule.

[41] The proposed amendments would also substitute the term "OTC market maker" for the term "third market maker." This reflects the fact that, with the adoption of Rule 11A2–1 under the Act [17 CFR § 240.11Aa2–1], and the amendment of Rule 11Aa3–1, certain market makers in securities traded exclusively over-the-counter will be subject to the Quote Rule on January 16, 1982. *See* Securities Exchange Act Release No. 17549 (February 17, 1981).

[42] For the purposes of these proposed amendments, the term "exchange-traded security" would be defined to mean any reported security or class of reported securities listed and registered, or admitted to unlisted trading privileges, on an exchange.

[43] *See* text accompanying note 7, *supra*. As noted above, regional exchange specialists do actively compete for order flow on the basis of machine-displayed quotations in a few multiply-traded securities. The Commission anticipates that regional specialists will continue to disseminate quotations in those securities in order to attract order flow from other market centers through the ITS.

[44] The term "principal market" refers to the market center which, with respect to an exchange-traded security, is responsible for the largest percentage of the aggregate trading volume as reported in the consolidated system.

[45] For the purposes of the proposed amendments, the term "OTC security" would mean any reported security or class of reported securities which is not an exchange-traded security.

[46] The 1% figure is designed to except from the mandatory dissemination requirement those market centers which receive a *de minimus* share of the order flow with respect to a particular security. This exception is consistent with the exemptive relief previously granted by the Commission pursuant to paragraph (d) of the Quote Rule. Specifically, the Commission has granted exemptions from the mandatory dissemination requirement to three exchanges, the Intermountain, the Spokane, and the Cincinnati Stock Exchanges. Intermountain: Securities Exchange Act Release No. 15012 (July 28, 1972), 43 FR 33978; Spokane: Securities Exchange Act Release No. 15011 (July 28, 1978), 43 FR 33983; and Cincinnati: Securities Exchange Act Release No. 15010 (July 28, 1978), 43 FR 33976. In addition, the Commission has granted exemptive relief from the mandatory dissemination requirement to several third market makers. *See, e.g.*, Securities Exchange Act Release No. 15747 (April 19, 1979).

[47] In its release proposing rule 19c–3, the Commission stated that the term "internalization," when used with respect to the activities of an integrated broker-dealer making markets over-the-counter refers to the withholding of retail orders from other market centers for the purpose of executing them "in-house," as principal, without exposing those orders to buying and selling interest in those other market centers.

See Securities Exchange Act Release No. 15769 (April 29, 1979), at 12, 44 FR 28668, 28690.

[48] In its release adopting Rule 19c–3, the Commission stated that one of the potential benefits of adopting Rule 19c–3 was the positive impact it could have on competition between exchange and over-the-counter markets. Specifically, the Commission stated that adoption of the Rule will provide the opportunity for competition between the over-the-counter and exchange markets with concomitant benefits to investors. For example, the presence of additional (and, in some cases, highly

Continued

standard is appropriate with respect to Rule 19c–3 securities in order to assure that the quotations disseminated pursuant to the Quote Rule accurately reflect the true state of the market. As noted above, with respect to most exchange-traded securities, the great preponderance of order flow is directed to one market center, usually the Amex or the NYSE. As a result, quotation information from this market center provides investors with an accurate indication of the prices available for such securities. With respect to Rule 19c–3 securities, on the other hand, it is possible that, due to enhanced competition between the exchanges and over-the-counter market makers, order flow will be dispersed among several market centers.[49] If this were to occur, the pricing mechanism for Rule 19c–3 securities might not be limited to the order interaction on one "principal" market; instead, prices would be determined through active competition by several market centers. Given this potential development, the proposed amendment requires all active competitors in Rule 19c–3 securities to disseminate quotations. The Commission believes that such quotation information is essential to investors in pricing their securities orders and in monitoring the executions they receive from their brokerage firms. Similarly, because the order flow for OTC securities is already dispersed among several market centers, the Commission believes that, subject to the 1% exception, all market centers should also be required to disseminate quotations in OTC Securities.

The Commission solicits the views of interested persons as to whether the Quote Rule should be amended to permit market centers to disseminate quotations in all reported securities on a totally voluntary basis, rather than on a mandatory, or partially mandatory, basis.[50] In addition, the Commission solicits the views of interested persons as to (1) whether the proposed test for Rule 19c–3 and OTC securities is appropriate or whether such securities should be treated identically to exchange-traded securities and, (2) assuming the Commission determines to adopt the proposed test for Rule 19c–3 and/or OTC securities, whether the 1%–figure is the appropriate level at which to except market centers from the mandatory participation requirement of the Quote Rule.

V. Regulatory Flexibility Certification

Section 603(a) [51] of the Administrative Procedure Act ("APA"),[52] as amended by the Regulatory Flexibility Act ("Flexibility Act"),[53] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on "small entities." [54] Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement any proposed rule, or proposed rule amendment, which, if adopted, would not "have a significant economic impact on a substantial number of small entities." The Commission believes that the proposed amendments to the Quote Rule would not impose any additional regulatory burdens on entities subject to the Rule. Nor would they have any other impact on such entities. Accordingly, the Chairman of the Commission has certified that the proposed amendments, if adopted, would not have a significant impact on a substantial number of small entities.

VI. Text of Proposals

Part 240 of Title 17 of the Code of Federal Regulations is proposed to be amended by revising paragraphs (a)(1) and (a)(15) of § 240.11Ac1–1 and adding new paragraphs (a)(16) to (21), (b)(5), and (c)(4) thereto to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.11Ac1–1 Dissemination of quotations for reported securities.

(a) *Definitions.* For the purposes of this section,

(1) The term "OTC market maker" shall mean any dealer who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such person who also represents, as agent, orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association ("association") pursuant to this section on behalf of such other persons as well as for his own account).

* * * * *

(15) The term "specified persons," when used in connection with any notification required to be provided pursuant to paragraph (b)(3) of this section or any notification (or withdrawal thereof) permitted under paragraph (b)(5) of this section, shall mean:

(i) Each quotation vendor;

(ii) Each plan processor; and

(iii) The processor for the Options Price Reporting Authority (in the case of a notification with respect to a subject security which is a class of securities underlying options admitted to trading on any exchange).

(16) The term "consolidated system" shall mean the consolidated transaction reporting system contemplated by § 240.11Aa3–1 (Rule 11Aa3–1 under the Act).

(17) The term "exchange-traded security" shall mean any reported security or class of reported securities listed and registered, or admitted to unlisted trading privileges, on an exchange.

(18) The term "Rule 19c–3 security" shall mean any exchange-traded security which is not a "covered security," as that term is defined in § 240.19c–3 (Rule 19c–3 under the Act).

(19) The term "OTC security" shall mean any reported security or class of

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capitalized] market makers may (1) operate to discipline the quotations of primary market specialists, thereby possibly resulting in narrower quotation spreads in Rule 19c–3 Securities, and (2) create incentives for markets to disseminate quotations of greater size and add to the depth, liquidity and continuity of the markets for those securities.

See Securities Exchange Act Release No. 16888 (June 18, 1980), at 10, 45 FR 41125, 41126. These competitive benefits might be lost if, under a liberalized Quote Rule, retail brokerage firms were permitted to execute transactions without being required to disseminate quotations.

[49] At present, while the great preponderance of order flow in Rule 19c–3 securities continues to be directed to the primary exchanges, in certain Rule 19c–3 securities over-the-counter market makers account for a significant percentage of the total volume. For example, Commission data indicate that, for the week of January 19–23, 1981, third market volume accounted for more than one-third of the consolidated volume in five Rule 19c–3 securities. Moreover, with the advent of the NASDAQ/ITS linkage, over-the-counter market makers may attract an even greater share of the order flow in Rule 19c–3 securities.

[50] Commentators have previously expressed the view that "competitive forces should be the sole factor motivating brokers or dealers to make available firm quotations to vendors." Rule 11Ac1–1 Adoption Release, *supra* note 1. This point of view finds some support in the fact that over-the-counter market makers currently disseminate quotations on a voluntary basis, though without size, through the NASD's NASDAQ system.

[51] 5 U.S.C. 603(a).

[52] 5 U.S.C. 551 *et seq.*

[53] Pub. L. No. 96–354 (September 19, 1980), 94 Stat. 1164, [1980] U.S. Code Cong. & Ad. News 1169.

[54] Section 601(b) of the Flexibility Act defines the term "small entity" to include "small business concerns," "small organizations" and "small governmental jurisdictions," as those terms are defined in the Flexibility Act. 5 U.S.C. 601 (3), (4) and (5). In particular, Section 601(3) of the Flexibility Act defines the term "small business" to have "the same meaning as the term 'small business concern' under Section 3 of the Small Business Act" ("SBA"), *see* 15 U.S.C. 632, unless an agency, pursuant to specified procedures, establishes one or more alternative definitions of such terms.

reported securities which is not an exchange-traded security.

(20) The term "principal market" shall mean, with respect to an exchange-traded security, the exchange or OTC market maker responsible, during the most recent calendar quarter, for the largest percentage of the aggregate trading volume as reported in the consolidated system.

(21) The term "subject security" shall mean:

(i) With respect to an exchange,

(A) Any exchange-traded security with respect to which such exchange is the principal market;

(B) Any Rule 19c–3 security with respect to which such exchange is responsible, during the most recent calendar quarter, for more than 1% of the aggregate trading volume as reported in the consolidated system;

(C) Any reported security with respect to which such exchange has in effect a notification, pursuant to paragraph (b)(5)(i) of this section, that it will collect, process and make available to quotation vendors, bids, offers, quotation sizes, and aggregate quotation sizes on the floor of such exchange of responsible brokers and dealers who are members of that exchange; and

(ii) With respect to an OTC market maker,

(A) Any exchange-traded security with respect to which such OTC market maker is the principal market;

(B) Any Rule 19c–3 security or OTC security with respect to which such OTC market maker is responsible, during the most recent calendar quarter, for more than 1% of the aggregate trading volume as reported in the consolidated system;

(C) Any reported security with respect to which such OTC market maker has in effect a notification, pursuant to paragraph (b)(5)(ii) of this section, that he will communicate to the association of which he is a member bids, offers, and quotation sizes for the purpose of making such bids, offers, and quotation sizes available to quotation vendors.

(b) * * *

(5)(i) Any exchange which determines that, with respect to any subject security covered by paragraph (a)(21)(i)(C) of this section, it will collect, process, and make available bids, offers, quotation sizes and aggregate quotation sizes on the floor of such exchange of responsible brokers and dealers who are members of that exchange shall notify all specified persons of that determination.

(ii) Any OTC market maker who determines that, with respect to any subject security covered by paragraph (a)(21)(ii)(C) of this section, he will communicate to his association bids, offers, and quotation sizes with respect to such security, shall notify his association and all specified persons of that determination.

(iii) The notification of an exchange or OTC market maker with respect to a subject security covered by paragraphs (a)(21)(i)(C) or (a)(21)(ii)(C) shall cease to be in effect if such exchange or OTC market maker withdraws its notification by filing with all specified persons (and, in the case of an OTC market maker, his association) a notice of withdrawal.

(c) * * *

(4) Subject to the provisions of paragraph (b)(4) of this section,

(i) No exchange or OTC market maker may make available, disseminate or otherwise communicate to any quotation vendor, directly or indirectly, for display on a terminal or other display device any bid, offer, quotation size or aggregate quotation size for any reported security which is not a subject security with respect to such exchange or OTC market maker; and

(ii) No quotation vendor may disseminate or display on a terminal or other display device any bid, offer, quotation size from any exchange or OTC market maker for any reported security which is not a subject security with respect to such exchange or OTC market maker.

* * * * *

In addition to the amendments set forth above, § 240.11Ac1–1 is proposed to be amended by removing the words "reported security" and inserting, in their place, the words "subject security" in paragraphs (a)(3), (8), (9), (10), (12), and (14); (b)(1), (3), and (4); (c)(2) and (3).

(Secs. 2, 3, 6, 9, 10, 15, 17, 23, Pub. L. No. 78–291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, 901, as amended by Secs. 2, 3, 4, 11, 14, 18, Pub. L. No. 94–29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78*l*, 78j, 78*o*, 78q, 78w, as amended by Pub. L. No. 94–29 (June 4, 1975)); Sec. 1, Pub. L. No. 75–719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. No. 94–29, 89 Stat. 127–131 (15 U.S.C. 78*o*–3, as amended by Pub. L. No. 94–29 (June 4, 1975)); Sec. 7, Pub. L. No. 94–29, 89 Stat. 111, (15 U.S.C. 78k–1))

VII. Solicitation of Comment

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed amendments to the Quote Rule and the issues discussed above, including any impact on competition which would result from adoption of the proposed amendments. Persons wishing to make such submissions should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than May 8, 1981. All submissions should refer to File No. S7–648, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street N.W., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 27, 1981.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. § 605(b) that the proposed amendments to Rule 11Ac1–1 ("Rule") under the Securities Exchange Act of 1934, set forth in Securities Exchange Act Release No. 17583, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed amendments will not impose any additional costs or other regulatory burdens on entities subject to the Rule.

Dated: March 2, 1981.

Philip A. Loomis, Jr.,

Acting Chairman.

[FR Doc. 81-7281 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Recodification, Revision and Additions to Part 700—Commission Operations and Relocation Procedures

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to recodify, revise and expand the existing regulations contained in 25 CFR Part 700. The existing regulations in large part are a restatement of the applicable portions of the statutes. Experience gained from relocations completed to date, and the anticipation of the increased volume of relocations expected indicate the need for an expansion of regulations to contain more detail concerning procedures. The proposed recodification, revision and expansion will assign a new numbering system to the regulations and will add new sections dealing with matters not specifically addressed in detail in the old regulations.

DATES: Comments must be received on or before May 8, 1981.

ADDRESS: Send comments to: Paul M. Tessler, C.F.R. Liaison Officer, Navajo and Hopi Indian Relocation

Commission, P.O. Box KK, Flagstaff, AZ 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, Telephone No. (602) 779–3311, Extension 1376, FTS: 261–1376.

SUPPLEMENTARY INFORMATION: Pursuant to the Navajo-Hopi Settlement Act (the Act) (Pub. L. 93–531, 25 U.S.C. 640d–1 through 24, 88 Stat. 1712) as amended by the Navajo and Hopi Indian Relocation Amendment Act of 1980 (Amendment Act) (Pub. L. 96–305, 25 U.S.C. 640d–1 through 28, 94 Stat. 929) regulations contained in Part 700 of Title 25, C.F.R. were adopted from time to time by the Commission as indicated in Part 700. Amendments to the statute have necessitated additional regulations, such as those governing the administration of the discretionary funds and those governing life estates, both of which are being published separate from this publication. Also experience has indicated that further additions to the regulations are necessary and that some revision of existing regulations are also necessary.

New definitions have been included to cover matters contained in new material in the regulations and certain new material not specifically addressed in the previous regulations is now included. Examples are the following:

1. Sections 700.143 and 700.145 deal specifically with payments for divorced or separated relocatees and payments to estates.

2. Sections 700.157 through 700.163 and 700.171 deal specifically with moving expenses related to non-residential moves.

3. Section 700.173 deals with average net earnings of business or farm.

4. Section 700.175 deals with temporary emergency moves.

5. Sections 700.195 through 700.199 deal with eligibility for and handling of incidental expenses.

6. Sections 700.209 through 700.213 deal with last resort replacement housing.

All of these are examples of items not specifically dealt with in the existing regulations. Other areas of the regulations have been expanded in their scope such as Subpart J—Inspection of Records (Sections 700.235 through 700.251) and Subpart K—Privacy Act (Sections 700.255 through 700.297).

It is not intended that this recodification and revision of existing regulations will affect any present benefits with the exception of §§ 700.183 and 700.185 concerning the determination of replacement housing benefits available to each certified head of household. Under the present regulation the interpretation of the Commission has been to add the cost of acquisition of the existing dwelling to the maximum payment authorized by section 15(b)(2) of the Act in order to determine the full amount available for replacement housing. Under §§ 700.183 and 700.185, as presently worded in the proposed revision, the total amount paid for replacement housing would be not more than the maximum additional payment authorized by section 15(b)(2) of the Act, regardless of what amount is paid for the existing dwelling. In other words, the payment for a replacement dwelling would be the same in all cases depending only on family size and not on the payments for habitations and other improvements owned on the area from which a person is required to move.

The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002. Telephone: (602) 779–3311, Extension 1376, FTS: 261–1376.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is proposed to be amended by adding regulations designated as Subparts A through L. The present sections in Part 700 remain in effect until a complete revision is published. For purposes of clarity it should be noted that on February 20, 1981 in 46 FR 13237, a proposed rule, Subpart N—Discretionary Funds, was published. Further, final rules on Subpart M—Life Estates, will be published separately upon approval of the Office of Management and Budget.

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart A—General Policies and Instructions

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700.3 Assurances with respect to acquisition and displacement.
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Authority: Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929.

Subpart A—General Policies and Instructions

§ 700.1 Purpose.

The purpose of this part is to implement provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712 as amended by Pub. L. 96–305, 94 Stat. 929) in accordance with the following objectives—

(a) To insure that persons displaced as a result of Pub. L. 93–531 are treated fairly, consistently, and equitably so that these persons will not suffer the disproportionate adverse, social, economic, cultural and other impact of relocation.

(b) To set forth the regulations and procedures by which the Commission shall operate; and implement the provisions of the Act of December 22, 1974 (Pub. L. 93–531, 88 Stat. 1712), hereinafter referred to as the Act.

(c) To establish standards consistent with those established in the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 U.S.C. 4601 et seq.).

(d) To insure that owners of habitations and other improvements to be acquired pursuant to Pub. L. 93–531 are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation, relieve congestion in the courts and to promote public confidence in the Commission's relocation program.

(e) To facilitate development of a relocation plan according to the Act and carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocation, in accordance with the Act.

§ 700.3 Assurances with respect to acquisition and displacement.

The Commission will not approve any programs or projects which may result in the acquisition of habitations and/or improvements, or in the displacement of any person, until such time as written assurances are submitted to the Commission that such projects or programs are in accordance with the uniform Act. It will—

(a) Assure that, within a reasonable period of time prior to displacement, adequate, decent, safe and sanitary replacement dwellings (defined at § 700.65) will be available to all certified eligible heads of households.

(b) Carry out relocation services in a manner that will promote maximum choice in housing.

(c) Inform affected persons of their rights under the policies and procedures set forth under the regulations in this part.

§ 700.5 Supersedure of regulations.

These regulations supersede the regulations formerly appearing in this part. However, any acquisition of property or displacement of a person occuring prior to the effective date of these regulations shall continue to be governed by the regulations at 25 CFR Part 700 in effect at the time of the acquisition or displacement.

§ 700.11 Manner of notices.

Each notice which the Commission is required to provide under these regulations shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested. Each notice shall be written in plain understandable language. Recipients who notify the Commission that they are unable to read and understand the notice will be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions of other needed help.

§ 700.13 Waiver of regulations.

(a) Any time limit specified for the filing of a claim or an appeal under the regulations in this part may, on a case by case, basis, be extended by the Commission.

(b) The Commission may waive any requirement of these regulations in this part if such requirement is not required by law and if the Commission finds such waiver or exception to be in the best interest of individual Indian applicant,

the Commission, and the United States. Any request for a Commission waiver shall be submitted in writing to the Commission and shall be justified on a case by case basis.

§ 700.15 Waiver of rights by owner.

(a) *General.* Nothing in these regulations shall prevent a fully informed applicant from voluntarily waiving any of his/her rights under the regulations in this part. Notice of waivers provided for in this section shall in no way constitute an exemption from the requirements to relocate pursuant to the Act. Waivers must be in conformance with pertinent provisions of this section.

(b) *Waiver of acquisition compensation.* Nothing in these regulations shall prevent a person from donating to the Commission habitations and/or improvements, or any of the compensation payable for such habitations and/or improvements, if prior to the donation—

(1) The Commission informs the applicant in writing as to the amount it has established as just compensation for the habitations and/or improvements; and

(2) The applicant indicates in writing that although he/she understands that he/she cannot be required to donate the habitations and/or improvements or sell it to the Commission at less than the amount determined to be just compensation, he/she voluntarily agrees to do so.

(c) Waiver of relocation payments. If an applicant desires to waive any of his/her rights to a relocation payment, as an agreed-upon condition of the acquisition of the property, the Commission may acquire the habitation and/or improvement without offering the relocation payment to the applicant, if—

(1) The Commission informs the applicant in writing prior to the sale that the displacement is subject to the Act and that the applicant cannot be required to sell the habitations and/or improvements to the Commission unless it offers the relocation assistance described by the Act;

(2) The relocation assistance to be waived shall be specifically described to the applicant;

(3) The applicant provides the Commission with a written statement, in a format that indicates that he/she understands that he/she cannot be required to sell the habitations and/or improvements without being offered such assistance, but he/she voluntarily agrees to do so.

Definitions

§ 700.31 Applicability of definitions.

Except where otherwise noted, the definitions appearing in this Subpart A apply to the regulations in this part.

§ 700.33 "Act" (The Act).

(a) The Act. "The Act" is Pub. L. 93–531, (88 Stat. 1712, 25 USC 640d.) as amended by Pub. L. 96–305, 94 Stat. 929.

§ 700.35 Applicant.

A person who applies for relocation assistance benefits and agrees to relocate pursuant to these regulations and the Act.

§ 700.37 Application for relocation assistance benefits and agreement to move.

The application for relocation assistance benefits and agreement to move is Commission Form #69–R0001, completion of which is used for establising the date upon which a person shall deemed to have a contract with the Commission to relocate pursuant to Section 14(b) of the Act.

§ 700.39 Appraisal.

The appraisal is the fair market value which is placed on the habitation and other improvements owned by a relocatee as of the date of final appraisal that are fixtures on the land, which cannot be moved without substantial damage or unreasonable cost.

§ 700.41 Appraiser.

An appraiser is a person appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraiser shall be paid by the Commission.

§ 700.43 Assistance payment.

An assistance payment is the additional payment made to the certified eligible head of household pursuant to 25 U.S.C. 640d–13(b), (Section 14(b) of the Act), this term is synonymous with "incentive bonus".

§ 700.45 Business.

The term "business" means any lawful activity, except a nonprofit organization or a farm operation, that is—

(a) Conducted primarily for the purchase, sale, lease and or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Conducted primarily for the sale of services to the public; or

(c) Solely for the purpose of Subpart D of these regulations, conducted primarily for outdoor advertising display purposes, when the display(s) must be moved as a result of the project.

§ 700.47 Commission.

The Navajo and Hopi Indian Relocation Commission is that entity established pursuant to 25 U.S.C. 640d–11 (Section 12.(a) of the Act).

§ 700.49 Certified eligible head of household.

A certified eligible head of household is a person who has received notice from the Commission that he/she has been certified as eligible to receive certain relocation assistance benefits.

§ 700.51 Custodial parent.

A custodial parent is a person who has the immediate personal care, charge, and control of a minor child who resides in his/her household, or a person who fills the parental role but who is not necessarily blood-related.

§ 700.53 Dwelling, replacement.

The term "replacement dwelling" means a dwelling that meets the criteria of this section. A replacement dwelling is a dwelling that:

(a) Is decent, safe, and sanitary as described in § 700.55.

(b) May include existing dwellings for resale, new construction, modular homes, mobile homes, mutual self-help housing or other federally assisted housing programs.

(c) Is in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources and in an area not generally less desirable than that of the acquired dwelling with respect to public utilities, public and commercial facilities, and schools.

(d) Is available at a purchase price within the ability-to-pay of the displaced person. A replacement dwelling shall be considered within the ability-to-pay of the displaced person if, after he receives a replacement housing payment and any available housing assistance payments, his new monthly housing cost (defined at § 700.95) for the replacement dwelling does not exceed—

Twenty-five percent (25%) of the monthly gross income of all adult members of the household, including supplemental income payments received from public agencies. If the person's monthly income pattern is irregular, The Commission shall base its determination of average gross monthly income on the period of time, actual and/or projected, that most fairly and equitably represents the person's ability-to-pay; or

(e) Actually available to the displaced person on the private market, other federally-sponsored housing projects, tribal-sponsored housing projects and/or Commission-sponsored housing projects.

§ 700.55 Decent, safe, and sanitary dwelling.

(a) *General.* The term "decent, safe, and sanitary dwelling" means a dwelling which—

(1) Meets applicable federal, state and local housing and occupancy codes; including but not limited to the Uniform Building Code, National Electrical Code, ICBO Plumbing Code, the Uniform Mechanical Code, HUD Minimum Property Standards, and HUD Mobile Home Construction and Safety Standards (24 CFR Part 3280);

(2) Is structurally sound, clean, weathertight and in good repair and has adequate living space and number of rooms;

(3) Has an adequate and safe electrical wiring system for lighting and other electrical services where economically feasible;

(4) Meets the requirements of the HUD lead-based paint regulations (24 CFR Part 35) issued under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.);

(5) In the case of a physically handicapped person, is free of any architectural barriers. To the extent that standards prescribed by the American National Standards Institute, Inc., in publication ANSI A117.1–1961 (R 1971), are pertinent, this provision will be considered met if it meets those standards;

(6) Has heating as required by climatic conditions;

(7) Has habitable sleeping area that is adequately ventilated and sufficient to accommodate the occupants;

(8) Has a separate well-lighted and ventilated bathroom, affording privacy to the user, that contains a sink and bathtub or shower stall, properly connected to hot and cold water, and a flush toilet, all in good working order and properly connected to a sewage drainage system; and

(9) In the case of new construction/modular housing complies with the energy performance standards for new buildings set forth by the U.S. Department of Energy.

(10) The Commission may waive paragraphs (3) or (8) of this subsection on a case-by-case basis if it is determined that it is in the best interest of the individual relocatee to do so.

§ 700.57 Dependent.

A dependent is a person who derives more than one-half of his/her support from another.

§ 700.59 Displaced person.

"Displaced person" means any person (Defined at § 700.103) who has to be moved under the terms of the Act, as a result of the Commission's acquisition of, or written order to vacate, other habitation or improvement on which he conducts a business, farm operation, or nonprofit organization, for the project. This term is synonymous with the term "relocatee".

§ 700.61 Fair market value.

Fair market value shall mean the depreciated cost of replacement, as determined by the Commission, to be the appropriate measure of consideration for the purchase of habitations and improvements pursuant to 25 U.S.C. 640–d (Section 15(a) of the Act).

§ 700.63 Family.

The term family is synonymous with household.

§ 700.65 Farm operation.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support as determined in § 700.

§ 700.67 Habitation.

The term habitation is synonymous with the term "dwelling".

§ 700.69 Head of household.

(a) *Head of Household.* The head of household is:

(1) The individual who exercises control over, or makes decisions for, the other household members based upon a legal or moral obligation to do so and determined by the Commission to represent the household in all matters relating to the Commission, or;

(2) The individual who exercises control or makes decisions for the other household members based upon the consensus of the other household members to do so and determined by the Commission to represent the household, or;

(3) The individual determined by the Commission to represent the household in all matters relating to the Commission.

(b) *Household.* A household is:

(1) A group of people who are residing together and are related by blood, marriage, or court order, or;

(2) One or more persons who are residing together in a single place of abode of which one household member has maintained countinuous residency therein prior to and since December 22, 1974, or;

(3) A married couple whose marriage was in effect as of June 19, 1980, or who would qualify for Relocation Benefits as a household under any other definition in this Section, or;

(4) A single person who is a custodial parent and is actually maintaining and supporting himself/herself and his/her dependents, or;

(5) A single person who has actually maintained and supported himself/herself on and since November 12, 1975, or;

(6) Such other situations or relationships which are determined by the Commission to qualify as a household pursuant to the Act.

(c) *Household Status and Size.* Household status and size shall be initially determined by the facts existing on the date of certification of eligibility for relocation assistance benefits. Final determination of household status and size shall be made prior to referral of the case to the Commission's Real Estate Services Department.

§ 700.71 Improvements.

Improvements are structures and attached fixtures to the land, in addition to the habitation, which cannot readily be moved without substantial damage, or whose movement would require unreasonable cost.

§ 700.73 Incentive bonus.

The incentive bonus is the additional payment to the Certified Eligible Head of Household pursuant to 25 U.S.C. 640d–13(b) (Section 14(b) of the Act). This term is synonymous with "assistance payments".

§ 700.75 Initiation of negotiations.

The term "initiation of negotiation" means the initial written offer by the Commission to the applicant to purchase his/her habitations and improvements for the amount determined to be just compensation for same.

§ 700.77 Livestock.

The term livestock shall mean all domesticated animals of every type owned by the displaced person.

§ 700.79 Marriage.

Marriage is a legally recorded marriage or a traditional commitment between a man or woman recognized by

the law of the Hopi Tribe or the Navajo Tribe.

§ 700.81 Monthly housing cost.

(a) *General.* The term "monthly housing cost" for a replacement dwelling purchased by a certified eligible head of household is the average monthly cost for all mortgage payments, real property taxes, and reasonable utility charges.

(b) *Computation of monthly housing cost for replacement dwelling.* A person's monthly housing cost for a replacement dwelling shall be a projected amount that includes one-twelfth of the estimated reasonable annual cost for utility charges.

§ 700.83 Nonprofit organization.

The term "nonprofit organization" means a corporation, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

§ 700.85 Owner.

The term "owner" means the person who holds any interest in habitations and improvements to be acquired by the Commission pursuant to 25 U.S.C. 640d–14(a), (Section 15(a) of the Act), which the Commission determines warrants consideration as ownership.

§ 700.87 Person.

The term "person" means any individual, partnership, corporation, or association.

§ 700.89 Relocatee.

"Relocatee" means a member of the Hopi Tribe residing within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe residing within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act.

§ 700.91 Relocation report.

The "relocation report" shall be the report prepared by the Commission and submitted to Congress pursuant to 25 U.S.C. 640d–12 (Section 13(a) of the Act).

§ 700.93 Relocation plan.

The "relocation plan" shall be the plan, prepared by the Commission and submitted to Congress pursuant to 25 U.S.C. 640d–12 (Section 13(c) of the Act).

§ 700.95 Replacement housing funds.

"Replacement housing funds" means those funds authorized to be appropriated pursuant to 25 U.S.C. 640d–12 (Section 13(a)(1) of the Act).

§ 700.97 Resident (or Residency).

(a) Resident (or Residency).

(1) Residency is established by fulfilling either of the following criteria:

(i) Current occupancy.

(ii) Maintenance of substantial recurring contacts with an identifiable homesite although the individual is temporarily away for any of the following reasons:

(A) Employment, and seeking employment.

(B) Education or job training.

(C) Medical.

(D) Military (active duty in the military service).

(E) Unavailability of Housing.

(F) Incarceration.

(2)(i) Any one or more of the following criteria may be considered in establishing whether or not there have been substantial recurring contacts:

(A) Ownership of livestock.

(B) Ownership of improvements.

(C) Grazing Permits.

(D) Livestock sales receipts.

(E) Homesite leases.

(F) Public Health Records.

(G) Medical and Hospital records, including those of Medicinemen.

(H) Trading Post Records.

(I) School Records.

(J) Military Records.

(K) Employment Records.

(L) Mailing address records.

(M) Banking Records.

(N) Drivers License Records.

(O) Voting Records—Tribal and County.

(P) Home ownership or rental off the Disputed Area.

(Q) B.I.A. Census Data.

(R) Certification from Chapter Officials—Not required.

(S) Certification of Residency.

(T) Certification by Relocatee.

(U) Information obtained by Certification Field Investigation.

(V) Social Security Administration.

(W) Marital Records.

(X) Court Records.

(Y) Records of Birth.

(Z) Joint Use Area Roster.

(aa) Any other relevant data.

§ 700.99 Salvage value.

"Salvage value" means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable an capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

§ 700.101 Single person.

A single person is a widow, widower, unmarried or divorced person.

§ 700.103 Uniform Act.

The term "Uniform Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91–646).

§ 700.105 Utility charges.

"Utility charges" means the cost for heat, hot water, electricity, natural gas, butane, propane, water, sewer and trash removal.

Subpart B—Acquisition and Disposal of Habitations and/or Improvements

§ 700.111 Applicability of acquisition requirements.

General. The requirements of this Subpart B apply to all Commission acquisition of habitations and/or improvements that occur on or after the effective date of these regulations.

§ 700.113 Basic acquisition policies.

(a) *Appraisal and invitation to owner.* Before the initiation of negotiations, the Commission shall have the habitations and/or improvements appraised to its satisfaction and will attempt to assure that the owner or his designated representative is contacted in advance of the appraisal(s) and given an opportunity to accompany each appraiser during the appraiser's inspection of the property.

(b) *"Determination and offer of fair market value.* Before the initiation of negotiations, the Commission shall establish an amount which it believes is fair market value for improvements. This amount shall be based on a current appraisal. At the time negotiations commence pertaining to the relocation contract between the NHIRC and the relocatee, the appraisal will be adjusted, according to the Boeckh Building Cost Modifier, for time or any physical changes in the improvements. If any changes are necessary the appraisal will be corrected to reflect a current dollar value. The amount of the current appraisal will be offered as just compensation for the improvements acquired. A copy of the initial appraisal will be sent to the owner as soon as possible after the appraisal program is completed."

(c) The Commission will attempt to meet with the owner or his/her representative to discuss its offer to purchase his/her property including the basis for the determination of fair market value and explain acquisition policies and procedures, including

payment of incidental expenses. The owner shall be given reasonable opportunity to present material which he/she believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Commission may consider the owner's presentation.

(d) If the condition of the property indicates the need for new appraisal evidence, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Commission shall have the appraisal(s) updated or obtain new appraisal(s).

(f) Objection to determination of fair market value. If the owner objects to the Commission's determination of fair market value, the onwer may request a hearing pursuant to the Commission's Hearing and Administrative Review procedures;

(g) *Payment before taking possession.* Before requiring an owner to surrender possession of his habitations and/or improvements, the Commission shall—

(1) Apply the agreed purchase price toward the acquisition price of the replacement dwelling or;

(2) Deposit with the court in the appropriate legal proceeding, for the benefit of the owner, an amount not less than the Commission's determination of fair market value for the property or the court award of compensation for the property up to the maximum benefit allowed under the then existing replacement housing benefit.

§ 700.115 Preliminary acquisition notice.

As soon as feasible in the acquisition process, the Commission shall issue a preliminary acquisition notice to the owner. The notice shall—

(a) Inform the owner of the Commission's interest in acquiring his/her habitations and/or improvements.

(b) Explain that such preliminary acquisition notice is not a notice to vacate and that it does not establish eligibility for relocation payments or other relocation assistance under these regulations.

§ 700.117 Criteria for appraisals.

(a) *Appraisal standards.* The Commission's appraisals shall be based upon nationally recognized appraisal standards and techniques to the extent that such principles are consistent with the concepts of value that the Commission may establish. Factors relating to race, color, religion, sex or national origin, or to racial, religious and ethnic identification of neighborhoods are not relevant to the estimation of value and shall not be considered in connection with appraisals of habitations and/or improvements.

(b) *Documentation.* Appraisal reports must contain sufficient documentation, including supporting valuation data and the appraiser's analyses of that data, to demonstrate the reasonableness of the appraiser's opinion(s) of value.

(c) *Conflict of interest.* No appraiser shall have any interest, direct or indirect, in the habitations and/or improvements which he appraises for the Commission that would in any way conflict with his performance of the appraisal. Compensation for an appraisal shall not be based on the amount of the valuation.

§ 700.119 Establishment of fair market value.

(a) *General.* The Commission shall establish the amount of fair market value to be offered to the owner for the habitations and/or improvements. Such amount shall not be less than—

(1) The appraiser's recommendations as to the fair market value of the habitations and/or improvements; or

(2) The fair market value estimate set forth in the agency's approved appraisal, if the property is valued at $2,000 or less.

(b) *Owner retention of improvements.* If the owner of a habitation and/or improvement is permitted to retain it for removal off-site, the amount determined to be just compensation for the interest in habitations and/or improvements to be acquired from him shall be not less than the amount determined by subtracting the salvage value of the improvements he retains for off-site removal from the amount determined to be fair market value for his entire interest in the habitation and improvement. Retention of improvements by the owner shall not change, alter or abrogate the requirement of the Act that the owner must move from land partitioned to tribe of which he/she is not a member.

§ 700.121 Statement of the basis for the determination of fair market value.

At the time of the initiation of negotiations to acquire the habitations and/or improvements, the Commission shall furnish the owner, along with the initial written purchase offer, a written statement of the basis for the determination of fair market value. To the extent permitted by the Commission, the statement shall include the following—

(a) A description and location identification of the habitations and/or improvements to be acquired.

(b) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the habitations and/or improvements for which the offer of fair market value is made.

(c) A recital of the amount of the offer and a declaration that such amount—

(1) Is the full amount believed by the Commission to be just compensation for the property and is not less than the fair market value of the property as determined on the basis of the appraisal(s);

(2) Does not reflect any relocation payments or other relocation assistance which the owner is entitled to receive.

(d) If only a portion of a habitation and/or improvement is to be acquired, an apportionment of the total estimated just compensation for the partial acquisition will be made. In the event that the Commission determines that partial acquisitions are necessary, all portions so acquired will be acquired stimultaneously.

§ 700.123 Expenses incidental to transfer of ownership to the Commission.

Eligible costs. The Commission shall reimburse the owner for reasonable expenses he/she necessarily incurred incidental to the transfer of habitations and/or improvements to the Commission. The Commission is not required to pay costs solely required to perfect the owner's interest in the habitations and/or improvements.

§ 700.125 Disposal of property.

Property acquired by the Commission pursuant to the Act shall be disposed of in one of the following manners:

(a) If the Commission determines that the property acquired constitutes a substantial risk to public health and safety, the Commission may remove or destroy the property.

(b) The Commission may transfer the property acquired by gratuitous conveyance to the tribe exercising jurisdiction over the area. Notice of such transfer shall be in writing and shall be completed within sixty (60) days from the finalization of all property acquisition procedures, unless the tribe notifies the Commission in writing within that time that the property transfer is refused. In the event of a refusal by the tribe, the Commission shall remove the property.

Subpart C—General Relocation Requirements

§ 700.131 Purpose and applicability.

This subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance under the

regulations in this part. The relocation requirements of the regulations in this part apply to the relocation of any displaced person.

§ 700.133 Notice of displacement.

Within ninety 90 days after the Commission's Relocation Report and Plan is in effect pursuant to the Act, the Commission may issue a preliminary relocation notice to each person identified by the Commission as potentially subject to relocation. This notice shall—

(a) Be published in a newspaper of general circulation in the area of the former Joint Use Area at least two times, and shall be sent to each Chapter House on the former Joint Use Area for posting.

(b) Inform the person that he/she will be required to relocate permanently in the future unless the person applies for and is determined to be eligible for a Life Estate.

(c) Generally describe the relocation assistance program for which the person may become eligible, including the maximum allowable dollar amounts and basic conditions of eligibility for the payments.

§ 700.135 Relocation assistance advisory services.

(a) *General.* The Commission may carry out a relocation assistance advisory program which offers the services described in paragraph (b) of this section. If the Commission determines that a person occupying habitations and/or improvements adjacent to the habitations and/or improvements acquired pursuant to the Act is caused substantial economic injury because of such acquisition, it may offer such services to such person.

(b) *Services to be provided.* The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to—

(1) Personally interview where possible each certified eligible head of household determine his/her relocation needs and preferences, and explain to him/her the relocation payments and other assistance for which he/she may be eligible, the related eligibility requirements, and the procedures for obtaining such payments and assistance;

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of replacement dwellings and commercial and farm properties and locations, as the case may be.

(3) Assure that replacement dwellings are available to all certified eligible heads of households.

(4) Assist any persons displaced from a business or farm operation to obtain and become established in a suitable replacement location;

(5) Supply persons to be displaced with appropriate information concerning Federal, State, Tribal or local housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs offering assistance to persons to be displaced;

(6) Endeavor to minimize the adverse social, economic, cultural and other hardships and impacts of relocation on persons involved in adjusting to such relocation.

(c) *Coordination of relocation activities.* The Commission shall, to the maximum extent feasible, coordinate its relocation assistance advisory services activities with existing local, state, federal and Tribal agencies to the extent necessary to enable it to carry out its program. Referrals of displaced persons for services to existing services providers will be utilized whenever possible.

(d) *Policy.* The Commission shall continue to provide assistance to a family, individual, business concern, non-profit organization, or farm operation until relocation has been achieved unless §§ 700.137 and 700.139 (Eviction For Cause and Ninety Day Notice) become applicable.

(e) *Reasons for Terminating Assistance.* In general, the circumstances under which the Commission's relocation obligations ceases are the following:

(1) The family or individual has moved to a decent safe, and sanitary replacement dwelling and has received all assistance payments to which entitled.

(2) All reasonable efforts to trace a family or individual have failed.

(3) The family or individual moves to substandard housing and has refused reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling.

(4) The business concern, farm operation, or non-profit organization has received all assistance and payments to which it is entitled, and has either been successfully relocated or ceased operations.

(5) Failure to reasonably cooperate with relocation procedures.

(6) Other relevant reasons as determined by the Commission.

§ 700.137 Notice to vacate.

(a) *General.* Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable following the fourth year, after the effective date of the relocation plan. At such time, the Commission shall—

(1) Request that the head of household choose an available area for relocation, and contract with the Commission for relocation; and

(2) Offer the relocatee suitable housing; and

(3) Offer to purchase the head of households habitation and improvements; and

(4) Offer provisions for the head of household and his family to be moved (e.g., moving expenses, etc.).

(b) If a person identified pursuant to paragraph (a) of this section fails or refuses to move after the actions outlined in this section are taken by the Commission, the Commission will issue a ninety day notice stating the date by which the person will be required to vacate the area partitioned to the Tribe of which he is not a member which date shall be five years after the date of approval of the Report and Plan by the Congress. The person shall also be given a 30 (thirty day) notice to vacate.

(c) *Timing of notice.* The ninety day notice shall not be given before the notice of displacement is issued. Upon expiration of the time period provided and upon failure or refusal of the person to move, the Commission may exercise the referral for action proceedings outlined in § 700.139.

§ 700.139 Referral for action.

(a) Upon the expiration of all notice periods and upon the failure or refusal of the relocatee to make timely arrangements to move, the Commission will request the United States Attorney for the District of Arizona to take appropriate action.

(b) When the United States Attorney takes such action as he deems appropriate on or after the effective date of notice herein prescribed the Commission may exercise its options pursuant to 25 U.S.C. 640 d–14 (Section 15(d)(3) of the Act) or the Commission may deposit sufficient funds with the United States District Court for the District of Arizona to assure the availability of relocation assistance to which the relocatee may be entitled.

§ 700.141 General requirements—Claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment under Subparts D, E, F, G, or H shall be submitted to the Commission on the appropriate Commission form and supported by such documentation as may reasonably

be required by the Commission to demonstrate expenses incurred, such as bills, and receipts.

(b) *Time for filing.* All claims for a relocation payment shall be filed with the Commission within 30 days after the move is completed, unless this time period is extended by the Commission.

(c) *Direct payment of claim.* Relocation payments shall be made in accordance with the terms of the Relocation contracts and are not subject to claims of creditors or assignments.

§ 700.143 Payments for divorced or separated relocatees.

(a) *General.* The following considerations apply to Certified Eligible Heads of Households, who subsequently separate or divorce and intend to establish separate eligibilty. It is not important whether the separation is a result of litigation, or the Dissolution of Marriage. Separation is the only fact to be considered.

(b) *Determination of benefits.* Relocation Benefits are viewed in terms of the occupancy status of the Certified Eligible Head of Household as of the time that benefits were first applied for, rather than at the time of displacement or after relocation.

(1) If the divorce or separation took place before benefits were first applied for and one of the spouses vacated the property at that time, the vacating spouse would not be eligible for benefits and all relocation benefits would accrue to the spouse remaining in occupancy.

(2) If both husband and wife are in possession at the time that benefits are first applied for, and are otherwise eligible for beneifts, they qualify together as a displaced family. Their maximum benefit is the amount the family would have received had the man and wife relocated together.

(c) *Proration of relocation benefits.* The heads of households relocation benefits may be divided between the husband and wife in any portion they agree upon. This procedure requires a written notarized agreement, signed by both parties, which clearly sets forth the method of division and the agreed percentage which each party claims. The agreement may not thereafter be changed without the written consent of both partners. In absence of an agreement, the benefits shall be divided equally regardless of custody of minor children, if any, or support of emancipated children.

(1) Claimants may agree upon a division of the moving expense payment (either "actual" or "alternate") which differs from other relocation benefits. Moving expense payments can be based on actual costs or alternate method, however the two methods cannot be mixed.

(2) All other relocation benefits must be based upon the same prorated division.

(3) The parties may move at different times; however, all relocation benefits shall be calculated from the time benefits are first applied for.

(4) If the parties cannot reach an agreement, their relocation benefits will be determined as if the family had relocated together. The claim form need be signed by only one party; however, the benefit checks will be made payable to both individuals.

§ 700.145 Payments to estates.

An estate, as such, is not a displaced person and hence cannot be paid any replacement housing benefits.

However, such payments can be made to the estate of a Certified Eligible Head of Household who was certified and qualified for payment during his lifetime. Relocation assistance payments may be made to the estate of a Certified Eligible Head of Household under the following circumstances:

(1) The actual cost of removing personal property may be made to an estate if the decedent was in occupancy or the estate has control of the acquired property at the date benefits were first applied for and the personal property was removed from the premises thereafter.

(2) Replacement housing and rental replacement housing payments may be paid to an estate only when a Certified Eligible Head of Household qualified for such a housing payment pursuant to the Act and died before he/she could file a claim or a claim could be paid. Estates of a Certified Eligible Head of Household who was still in occupancy at the time of his/her death cannot claim payments for replacement housing.

(3) If one of a married couple dies, the surviving spouse may be paid the same moving expense and replacement housing payments the couple would have received had death not occurred.

§ 700.147 Eligibility requirements.

(a) To be eligible as a displaced person for benefits provided for under the Act, and these regulations a person must meet one of the following conditions:

(i) The person must be a resident in the area partitioned to the tribe of which he is not a member; or

(ii) The person was a resident in the Joint Use Area but moved from there between December 22, 1974, and August 30, 1978; or

(iii) The person was a resident of an area which was partitioned to a tribe of which he is not a member but moved therefrom after August 30, 1978.

(b) Moves described in paragraphs (a)(ii) and (a)(iii) are presumed to have been made pursuant to the Act.

(c) Eligibility for certain benefits is further restricted by Sections 14(c) and 15(c) of the Act (25 U.S.C. 640–d–13) and 14(c) as reflected in § 700.10 (d) and (e) 2 of these regulations.

Subpart D—Moving and Related Expenses, Temporary Moves

§ 700.151 Eligibility.

(a) *General.* All certified eligible heads of household are eligible for moving and related expenses as prescribed in this subpart. A certified eligible head of household who lives on his/her business or farm property may be eligible for both a payment as a dwelling occupant and a payment with respect to the business or farm operation.

(b) *Least costly approach.* The amount of payment for an eligible expense under this subpart shall not exceed the least costly method, as determined by the Commission, of accomplishing the objective of the payment without causing undue hardship to the certified eligible heads of household.

(c) *Prior Approval.* Written approval of the Commission must be obtained for all moving and search expenses in this subpart. Such approval shall be obtained by each certified eligible head of household prior to incurring any expense from the real estate specialist to whom the case is assigned. Prior appraisal of the Commission for incurring expenses is required. If prior approval and the amount thereof is not obtained from the Commission, the Commission thereafter will determine:

(i) Whether the travel was required and the expenses reasonable and;

(ii) The amount of reimbursement to be paid, if any.

§ 700.153 Actual reasonable moving and related expenses—Residential moves.

Subject to the limitations contained in this subpart, a certified eligible head of household is entitled to actual reasonable expenses for–

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules, meals and lodging away from home required by the Commission.

(b) Transportation computed at prevailing federal per diem and mileage allowance schedules of the household and personal property from the acquired site to the replacement site.

(c) Packing, crating, unpacking and uncrating of the personal property.

(d) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances, and other personal property;

(e) Storage of the personal property, not to exceed one year unless extended by the Commission.

(f) Insurance of the personal property in connection with the move and necessary storage; and

(g) Other moving related expenses that are not listed as ineligible under § 700.165, as the Commission determines to be reasonable and necesary.

§ 700.155 Expenses in searching for replacement dwelling—Residential move.

(a) A certified eligible head of household is entitled to actual reasonable expenses incurred in the search for a replacement dwelling.

(b) Transportation, meals and lodging when required to be away from home by the Commission, computed at prevailing federal per diem and mileage allowance schedules, with prior approval from the Real Estate specialist at the Commission to whom the case is assigned.

§ 700.157 Actual reasonable moving and related expenses—Nonresidential moves.

(a) *Eligible costs.* Subject to the limitations of § 700.151(c) a certified eligible business, farm operation or nonprofit organization is entitled to payment for actual reasonable expenses for:

(1) Transportation of personal property from the acquired site to the replacement site.

(2) Packing, crating, unpacking, and uncrating the personal property.

(3) Disconnecting, dismantling, removing, reassembling and installing relocated and substitute machinery, equipment, and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;

(4) Storage of the personal property;

(5) Insurance of personal property in connection with the move and necessary storage;

(6) Any license, permit or certification required by the displaced person, to the extent such cost is (i) necessary to its re-establishment at the replacement location and (ii) does not exceeed either the cost for one year or for the remaining useful life of the existing license, permit, or certification, whichever is less;

(7) Professional services, including architect's, attorney's and engineer's fees, and consultant's charges, necessary for (i) planning the move of the personal property, (ii) moving the personal property, or (iii) installing the relocation personal property at the replacement location.

(8) Relettering signs and printing replacement stationery made obsolete as a result of the move;

(9) Actual direct loss of personal property;

(10) Purchase of substitute personal property;

(11) Searching for a replacement location;

(12) Other moving-related expenses that are not listed as ineligible under § 700.165.

(b) *Self-move.* If the displaced person self-moves his business, farm operation, or nonprofit organization, the Commission may approve a payment for his moving expenses in an amount not to exceed the lowest acceptable bid or estimate obtained by the Commission, without submission of documentation of moving expenses actually incurred

(c) *Notification to Commission and inspection.* To be eligible for a payment under this section, the displaced person shall permit the Commission to make reasonable and timely inspections of the personal property at the displacment and replacement sites.

§ 700.159 Payment For direct loss of personal property—Nonresidential moves.

(a) *General.* A certified eligible business is entitled to payment for actual direct loss of an item of tangible personal property incurred as a result of moving or discontinuing his business, farm operation, or nonprofit organization. The payment shall consist of the reasonable costs incurred in attempting to sell the item plus the lesser of—

(1) The fair market value of the item for continued use at the acquired site, less the proceeds from its sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

(2) The estimated cost of moving the item, but with no allowance for storage. (If the business, farm operation or nonprofit organization is discontinued, the estimated cost shall be based on a moving distance of 50 (fifty) miles.)

(b) *Advertising sign.* The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of—

(1) The depreciated reproduction cost of the sign as determined by the Commission, less the proceeds from its sale; or

(2) The estimated cost of moving the sign.

(c) *Sales effort.* To be eligible for payment for direct loss of personal property, the claimant must make good faith effort to sell the personal property, unless the Commission determines that no such effort is necessary.

(d) *Transfer of ownership.* To be eligible for payment for direct loss of personal property, the claimant shall transfer to the Commission ownership of the unsold personal property.

§ 700.161 Substitute personal property—Nonresidential moves.

(a) *General.* If an item or personal property, which is used as part of a business, farm operation or nonprofit organization, is not moved but is promptly replaced with a comparable substitute item at the replacement site, the displaced person is entitled to payment of the lesser of—

(1) The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade-in of the replaced item, if any; or

(2) The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate obtained by the Commission for eligible moving and related expenses, but with no allowance for storage.

(b) *Transfer of ownership.* To be eligible for a payment under this section, the claimant shall transfer to the Commission, ownership of the personal property that has not been sold or traded in.

§ 700.163 Expenses in Searching for replacement location—Nonresidential moves.

A displaced business, farm or nonprofit organization is entitled to an amount not to exceed $500 (five-hundred dollars), as determined by the Commission, for actual reasonable expenses incurred in searching for a replacement location, including—

(a) Transportation computed at prevailing federal per diem and mileage allowance schedules; meals and lodging away from home;

(b) Time spent searching, based on reasonable earnings;

(c) Fees paid to a real estate agent or broker to locate a replacement site.

§ 700.165 Ineligible moving and related expenses.

A displaced person is not entitled to payment for—

(a) The cost of moving any structure or other improvement in which the displaced person reserved ownership; or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

(d) Loss of profits; or

(e) Loss of trained employees; or

(f) Physical changes at replacement location of business, farm or nonprofit organization, except as provided at § 700.157; or

(g) Any additional expense of a business, farm, or nonprofit organization incurred because of operating in a new location.

§ 700.167 Moving and related expenses—Fixed payment.

A displaced person (other than an outdoor advertising display business who is eligible for a payment for his actual moving and related expenses under Subpart D of these regulations, is entitled to receive a fixed payment in lieu of a payment for such actual moving and related expenses.

§ 700.169 Fixed payment for moving expenses—Residential moves.

The fixed payment for moving and related expenses of certified eligible head of household from a dwelling consists of—

(a) A moving expense allowance not to exceed $300 (three-hundred dollars).

(b) A dislocation allowance of $200 (two-hundred dollars).

§ 700.171 Fixed payment for moving expenses—Nonresidential moves.

(a) *General.* The fixed payment for moving and related expenses of a displaced business or farm operation that meets applicable requirements under this section is an amount equal to its average annual net earnings as computed in accordance with § 700.175, but not less than $2,500 nor more than $10,000. A nonprofit organization which meets the applicable requirements under this section is entitled to a payment of $2,500.

(b) *Business.* A business qualifies for payment under this Section if the Commission determines that—

(1) The business cannot be relocated without a substantial loss of its existing patronage.

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Commission, and which is under the same ownership and engaged in the same or similar business activities. For purposes of this rule, no remaining business facility which had average annual gross receipts of less than $2,000 and average annual net earnings of less than $1,000, during the two taxable years prior to displacement, shall be considered "another establishment"; and

(3) The business had (i) average annual gross receipts of at least $2,000 during the two taxable years prior to displacement, or (ii) average annual net earnings of at leat $1,000.00 as determined in accordance with § 700.175. However, the Commission may waive this test in any case in which it determines that its use would cause a substantial hardship.

(c) *Determining number of businesses acquired.* In determining whether two or more legal entities, all of which have been acquired, constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which—

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business, and

(4) The same person or closely related persons own, control or manage the affairs of the entitles.

(d) *Farm operation.* A farm operation qualifies for a payment under this section if the Commission determines that it meets the criteria set forth in§ 700.173(b)(3) section. In the case of a partial acquisition, the fixed payment shall be made only if the Commission determines that—

(1) The part acquired was a farm operation before the acquisition; or

(2) The partial acquisition caused the operator to be displaced from the farm operation; or

(3) The partial acquisition caused a substantial change in the nature of the farm operation.

(e) *Nonprofit organization.* A nonprofit organization qualifies for a $2,500 payment under this Section, if the Commission determines that it—

(1) Cannot be relocated without a substantial loss of existing patronage (membership and clientele). A nonprofit organization is assumed to meet this test, unless the Commission demonstrates otherwise, and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Commission.

(f) *Loss of good will.* A mixed payment under this section does not cover "loss of good will".

§ 700.173 Average net earnings of business or farm.

(a) *Computing net earnings.* For purposes of this subpart, the average annual net earnings of a business or farm operation is one-half of its net earnings before Federal, State and local income taxes, during the two taxable years immediately prior to the taxable year in which it was displaced. However, if the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be computed on the basis of the actual period of operation on the acquired site, projected to an annual rate. Also, average annual net earnings may be based upon a different period of time when the Commission determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents.

(b) *Documentation.* A displaced person who elects to receive a fixed payment in lieu of actual expenses incurred in moving his business or farm shall furnish the Commission proof of his net earnings through income tax returns, certified financial statements or other reasonable evidence.

§ 700.175 Temporary emergency moves.

(a) *General.* An eligible household may be granted temporary relocation resources, at the Commission's discretion, provided:

(1) That the move is for a limited time period not to exceed 12 months unless extended by the Commission.

(2) That permanent relocation resources are not available at the time of displacement.

(3) Prior approval of the Commission is obtained.

(4) That a Relocation Contract providing for permanent relocation has been executed.

(5) The head of household actually remained domiciled on lands partitioned to the tribe of which he is not a member as of December 22, 1974, and continuously thereafter.

(6) The head of household shall vacate all improvements owned by him on lands partitioned to the tribe of which he is not a member and shall transfer title to said improvements to the Commission.

Temporary relocation shall in no way diminish the responsibility of the Commission to offer relocation assistance and services designed to achieve permanent into suitable facilities.

(b) *Conditions Under Which Move to Temporary Housing Accommodations May Be Approved.* The move of a family or individual into temporary housing accommodations may be approved by the Commission only if the following conditions are met.

(1) The move will be undertaken because:

(i) It is necessary because of an emergency as determined by the Commission on a case by case basis; or

(ii) The individual or family is subject to conditions hazardous to his or his family's health or safety; or

(iii) A homeowner or tenants is displaced by code enforcement (other than demolition) or rehabilitation activities that do not necessitate permanent relocation.

(2) The temporary housing is decent, safe, and sanitary.

(3) All costs in connection with the move, including any increased housing costs, will be included as a project cost.

(4) The Commission shall have determined that within 12 (twelve) months of the date of the temporary move, replacement housing meeting Commission-approved standards will be available for occupancy by the persons temporarily rehoused.

(5) Prior to the move, the Commission shall provide in writing assurance to each head of household that:

(i) Replacement housing will be available at the earliest possible time but in any event no later than 12 (twelve) months from the date of the move to temporary housing.

(ii) Replacement housing will be made available on a priority basis, to the individual or family who has been temporarily rehoused.

(iii) The move to temporary rehousing will not, in any way, affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement housing units that would have been made available had the temporary move not been made.

(iv) The Commission will pay all costs in connection with the move to temporary housing, including any increased housing costs.

(c) *Agency Documentation.* To request Commission approval for a temporary move of a family, the following information shall be submitted to the Commission (additional information may be required on a case-by-case basis):

(1) An explanation of the necessity for the temporary move, based upon the criteria set forth by the Commission.

(2) The estimated duration of the temporary occupancy.

(3) In the case of the family or individual, (a) a copy of the written assurance which will be provided to the person explaining his rights and the continuing obligation of the agency to provide relocation assistance, and (b) evidence that the family or individual agrees to make the temporary move.

(d) *Costs In Connection With Temporary Move.*—(1) *General.* The cost of any temporary move shall be charged to project cost and shall be shared in the same manner and to the same extent as other project costs.

(2) *Costs Included.* Costs included in a temporary move may cover the following:

(i) Actual reasonable moving costs and related expenses for the move to temporary accommodations.

(ii) For the family or individual moved from a rental unit the difference, if any, between the rental cost of the dwelling vacated and the rental cost of the temporary unit.

(iii) For a homeowner who retains ownership of his dwelling the reasonable cost of renting the temporary dwelling.

(iv) For a homeowner whose dwelling has been acquired the difference, if any, between his housing costs for the acquired dwelling and the rental cost of the temporary unit.

(3) *Costs Not a "Replacement Home Benefit."* Costs in connection with a move to temporary accommodations are not to be considered as relocation payments under the Uniform Act. (See following subparagraph)

(e) *Distinguishing Between Cost of Temporary Move and Relocation Payment.* The costs of a temporary move, as described in the foregoing subparagraphs, are not to be considered as all or a part of the "relocation payment" to which a displaced person is entitled under the Act. Thus, when a family is moved to temporary accommodations, a relocation payment is *not* made and the election or choice of type of payments that would ordinarily be made upon displacement must be delayed until the final move is made. When the move out of temporary accommodations is made, the displaced person shall receive the full relocation payments to which he/she is entitled pursuant to Commission regulations.

Subpart E—Replacement Housing Payments

§ 700.181 Eligibility.

(a) *Basic eligibility requirements.* A certified eligible head of household who established his/her residency requirements in the area partitioned to the tribe which he/she is not a member, is eligible for the replacement housing payment specified at § 700.183(a) if he/she purchases and occupies a decent, safe, and sanitary replacement dwelling within 2 years after the date he/she receives final payment for the acquired dwelling or the date he/she moves from the acquired dwelling, whichever is later.

(b) *Other rules and requirements.* A payment under this Subpart F is subject to the other applicable rules and requirements of these regulations.

§ 700.183 Determination of replacement housing payment.

(a) *Amount of payment.* The replacement housing payment (differential amount) for a certified eligible head of household is an amount, not to exceed the current replacement home housing payment as computed on the basis of family size in consultation with the Secretary of the Department of Housing and Urban Development pursuant to 25 U.S.C. 640d–(b)(2) (Section 15(b)(2) of the Act), which is equal to the amount, if any, by which the cost of a replacement dwelling exceeds the Commission's "acquisition cost" for the acquired dwelling, as determined in accordance with § 700.185.

(b) *Conversion of payment.* An owner-occupant, who initially rents a replacement dwelling and receives a payment under this section if he meets the eligibility criteria described in § 700.175, including purchase and occupancy within the prescribed two-year period. The amount of the rental assistance payment shall be deducted from the amount computed under this section.

§ 700.185 Differential amount.

(a) *General.* The differential amount to be paid under § 700.183 is the amount, if any, which must be added to the acquisition cost of the acquired dwelling to provide a total amount equal to the purchase price of the decent, safe, and sanitary replacement dwelling, including the land upon which it is situated, actually acquired and occupied by the displaced person.

(b) *Owner retention of acquired dwelling.* If the owner retains ownership of his dwelling, moves it from the acquired site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be considered to be the sum of—

(1) The moving and restoration expenses;

(2) The costs, if any, incurred to make the unit a decent, safe and sanitary replacement dwelling.

§ 700.187 Limitations on replacement home benefits.

(a) The Commission will insure that all eligible heads of household receive a decent, safe and sanitary replacement dwelling in the following manners:

If the eligible head of household owns no dwelling other than that on the area

from which he or she must move pursuant to the Act, the Commission will acquire a replacement home for them in one of the following manners.

(1) Purchase of an existing home,

(2) Construction of a home, or

(3) Participation or purchase in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888), as amended (42 U.S.C. 1401) or in any other federally assisted housing program.

(b) If the eligible head of household owns or is buying a home in an area other than the area from which he or she must move pursuant to Pub. L. 93-531, the Commission will expend relocation benefits in one of the following manners:

(1) If the home is decent, safe, and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission will expend replacement housing benefits, up to the maximum then existing benefit, to accelerate to the maximum extent possible, the achievement by that household of debt-free homeownership.

(2) If the home is owned free and clear but does not meet Commission decent, safe, and sanitary standards, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in section (a) above.

(3) If the home is neither owned free and clear nor decent, safe, and sanitary, the Commission will, at its discretion, either:

(i) Expend replacement home benefits for improvements to assure that the home meets decent, safe, and sanitary standards, or

(ii) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in section (a) above.

(4) If the home is decent, safe, and sanitary, and is owned free and clear, no replacement home benefits will be paid.

(5) Home improvements shall include the following: General repairs, Painting and texturing, Fencing—including corrals, Landscaping, Grading, Room additions, Re-modeling, Roofing, Insulating, Repair or improvements to the water, sewage, cooling, heating, or electrical systems, Storage buildings, Energy conservation measures, Other home improvements as determined and defined by the Commission.

§ 700.189 Expenditure of replacement home benefits.

(a) Replacement home benefits shall be expended in full at or before the time of original acquisition except as stated below. It is not anticipated that such exceptions would be common and each such instance shall be reviewed and a determination will be made by the Certification Officer.

(1) Under unusual circumstances such as: unknown (latent) defects in the replacement dwellings, significant change of circumstances and extreme hardship, benefits may be expended after the time of original acquisition up to the then existing maximum Replacement Home Benefit.

(2) All replacement home benefits shall be expended not later than one (1) year after the date of payment of the incentive bonus, except under unusual circumstances as stated above, up to the statutory maximum.

(3) Replacement home benefits shall not be expended for maintenance except under unusual circumstances as stated above, up to the statutory maximum.

(4) For purposes of this subsection, the time of original acquisition shall be defined as the date of execution of the Commission's relocation contract.

Subpart F—Incidental Expenses

§ 700.195 General.

Incidental expenses are those reasonable expenses, as determined by the Commission, to be incidental to the purchase of the replacement dwelling, but not prepaid.

§ 700.197 Basic eligibility requirements.

A Certified Eligible Head of Household is eligible for reimbursement of expenses that are incidental to the purchase of a replacement dwelling, not including prepaid expenses.

§ 700.199 Incidental expenses.

(a) *Eligible costs.* Subject to the limitations in paragraphs (b) and (c) of this section, the incidental expenses to be paid are those actually incurred by the displaced person incident to the purchase of the replacement dwelling, including—

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing plats, recording fees; and title insurance;

(2) Lender, FHA or VA appraisal fees;

(3) FHA or VA application fee;

(4) Certification of structural soundness when required by the lender;

(5) Credit report;

(6) Owner's and mortgagee's evidence or assurance of title;

(7) Escrow agent's fee;

(8) State revenue or documentary stamps, sales or transfer taxes;

(9) Such administrative costs as are necessary to secure and acquire homesite leases and/or allotments on tribal lands. These costs may include survey fees, appropriate tribal fees and other conveyances instruments as may be appropriate; and

(10) Costs, such as advertising charges, incurred incident to the purchase of the improvements owned by the head of household.

(11) Cost related to fee inspector's inspections of the replacement dwelling.

(12) Such other costs as the Commission determines to be incidental to the purchase.

(b) Limitation. The amounts payable for expenses under paragraph (a) of this section shall not exceed the amount prorated to the reasonable costs of a replacement dwelling.

(c) Truth in lending charge. Any expense, which is determined to be part of the debt service or finance charge under 15 U.S.C. 131-1641 and Regulation Z (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, is not eligible for reimbursement as an incidental expense.

Subpart G—Assistance Payments (Incentive Bonus)

§ 700.205 Basic eligibility requirements.

(a) A certified eligible head of household is eligible for the assistance payment pursuant to 25 U.S.C. 640d-13(b), Pub. L. 93-531, section 14(b).

(b) *Amount of Payment.* The amount of payment shall be computed in accordance with the schedule provided for in 25 U.S.C. 460d-13(b), Pub. L. 93-531, section 14(b).

(c) *Date for Determination of Amount of Assistance Payment.*

The Date of completion of and filing with the Commission the Application for Relocation Assistance and Agreement to Move shall be deemed as having contracted with the Commission to move pursuant to the Act.

(d) *Time of Payment.*

Assistance payments provided for in this section shall only be paid upon actual occupancy of the replacement dwelling and vacation of the acquired habitation and/or improvement, if any, in the area partitioned to the Tribe of which he/she is not a member.

Subpart H—Last Resort Replacement Housing

§ 700.209 Applicability.

The provisions of this subpart apply only when the Commission determines that, unless it acts under the provisions of this subpart, there is a reasonable likelihood that replacement dwelling(s) will not be available on a timely basis to person(s) to be displaced.

§ 700.211 Basic right and rules.

The provisions of this subpart do not deprive any displaced person of any rights described elsewhere in this part. The Commission may met its obligation to provide persons with reasonable opportunities to relocate to a replacement dwelling by offering such opportunities developed or to be developed under this subpart.

§ 700.213 Methods of providing replacement housing.

(a) *General.* The methods of providing last resort housing include, but are not limited to—

(1) Rehabilitation of, and/or additions to, an existing replacement dwelling;

(2) A replacement housing payment in excess of the limits set forth in Subpart E and F or the provision of direct Commission mortgage financing;

(3) The construction of a new replacement dwelling;

(4) The relocation and, if necessary, rehabilitation of a replacement dwelling;

(5) The purchase of land and/or a replacement dwelling by the Commission and subsequent sale or lease to, or exchange with, a displaced person; and

(6) The removal of barriers to the handicapped as may be necessary.

Subpart I—Commission Operations

§ 700.219 General.

(a) The operation of the Commission shall be governed by a Management Manual passed, amended or repealed by a majority of the Commission at any regular or special meeting. The Management Manual is the prescribed medium for publication of policies, procedures and instructions which are necessary to facilitate the day-to-day operations and administration of the Commission.

(b) *Meetings:* The Commission shall hold a regular monthly meeting on the first Friday of each month at a time and place designated by public notice unless said Friday falls on a legal holiday, in that event, the meeting shall begin on the next regular workday. The monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be recessed from time to time and reconvened at times designated by the Chairperson.

(c) *Special public meetings* may be called by any Commissioner with ten working days given the request for written notice may be waived by a release bearing the signatures of all three Commissioners.

(d) *Executive Session:* During a regular or special meeting, any Commissioner may request an Executive Session for purposes of personnel and administrative matters.

(e) *Compliance With Other Laws and Regulations:* As a federal agency, the Commission will conduct its activities in conformance with applicable federal statutes and administrative procedures.

Subpart J—Inspection of Records

§ 700.235 Purpose and scope.

(a) This subpart contains the regulations of the Commission implementing the requirement of subsection (a)(3) of the Freedom of Information Act, 5 U.S.C. 552(a)(3), which provides that the Commission "Upon any request for records which (1) reasonably describes such records and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." This subpart describes the procedures by which records may be obtained from the Commission. The procedures in this subpart are not applicable to requests for records published in the **Federal Register** or opinions in the adjudication of cases, statements of policy and interpretations and adminstrative staff manuals which have been published or made available under Subpart "A" of this part.

§ 700.237 Definitions.

(a) *Act.* As used in this subpart, "Act" means the "Freedom of Information Act," 5 U.S.C. 552.

§ 700.239 Records available.

(a) *Commission policy.* It is the policy of the Commission to make the records of the Commission available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) *Statutory disclosure requirement.* The Freedom of Information Act requires that the Commission, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) *Statutory exemptions.* The Act exempts nine categories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact property classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempt from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(d) *Decisions on requests.* It is the policy of the Commission to withhold information falling within an exemption only if (1) disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of the exemption.

(e) *Deletion of portions of records.* If a requested record contains material within an exemption together with material not within an exemption and it

is determined under the regulations in this subpart to withhold the exempt material, any reasonably segregable nonexempt material shall be separated from the exempt material.

(f) *Creation of records.* This subpart applies only to records which exist at the time a request for records is made. Records are not required to be created in response to a request by combining or compiling selected items from the files or by preparing a new computer program, nor are records required to be created to provide the requester with such data as proportions, percentages, frequency distributions, trends, or comparison.

(g) *Records of concern to other departments and agencies.* (1) If the release of a record would be of concern to both the Commission and another Federal agency, the record will be made available by the Commission only if the interest of the Commission is the primary interest. If the Commission's interest is not the primary interest, the requester shall be referred in writing to the agency having the primary interest. The Commission has the primary interest in a record if the record was developed pursuant to Commission regulations, directives, or request even though the record originated outside of the Commission.

(2) If the release of a record in which the Commission has a primary interest would be of substantial concern to another agency, the official processing the request, should, if administratively feasible and appropriate, consult with that agency before releasing the record.

(h) *Records obtained from the public.* If a requested record was obtained by the Commission from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.

§ 700.241 Request for records.

(a) *Submission of requests.* A request to inspect or copy records shall be made to the installation where the records are located. If the records are located at more than one installation or if the specific location of the records is not known to the person wishing to inspect or copy the records, he may direct his request to the head of the appropriate bureau, or the bureau's chief public information officer, if any.

(b) *Form of request.* (1) Requests invoking the Freedom of Information Act shall be in writing.

(2)(i) A request must reasonably describe the records requested. A request reasonably describes the records requested if it will enable an employee of the Commission familiar with the subject area of the request to locate the record with a reasonable amount of effort. If such information is available, the request should identify the subject matter of the record, the date when it was made, the place where it was made, and the person or office that made it, the present custodian of the record, and any other information which will assist in location of the requested records. If the request involves a matter known by the requester to be in litigation, the request should also state the case name and court hearing the case.

(ii) If the description of a record sought is insufficient to allow identification and location of the record, the response denying the request on this ground shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in location of the record.

(3) A request shall state the maximum amount of fees which the requester is willing to pay. Requesters are notified that under § 700.251, the failure to state willingness to pay fees as high as are anticipated by the Commission will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

(4)(i) To insure expeditious handling, requests shall be prominently marked, both on the envelope and on the face of the request, with the legend "Freedom of Information Request." The failure of a request to bear such a legend will not disqualify a request from processing under the procedures in this subpart if the request otherwise meets the requirements of this section. A request not bearing the legend "Freedom of Information Request" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.245 until it has been identified by bureau personnel as a Freedom of Information request and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION REQUEST" as a request otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION REQUEST." (B) date the request to reflect the date on which it was identified, and (C) take steps to assure proper processing of the request under the procedures in this subpart.

(d) *Categorical requests.* (1) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (i) it can be determined which particular records are covered by the request and (ii) the records can be searched for, collected and produced without unduly burdening or interfering with Commission operations because of the staff time consumed or the resulting disruption of the files.

(2) If a categorical request is determined under paragraph (d)(1) of this section not to reasonably describe the records requested, the response denying the request on that ground shall specify the reasons why and shall extend to the requester an opportunity to confer with knowledgeable Commission personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

§ 700.243 Action on initial request.

(a) *Granting of requests.* (1) A requested record shall be made available if (i) the record is not exempt from disclosure or (ii) the record is exempt from disclosure, but its withholding is neither required by statute or Executive order nor supported by sound grounds.

(b) *Form of grant.* (1) when a requested record has been determined to be available, the official processing the request shall immediately notify the person requesting the record as to where and when the record is available for inspection or as the case may be, where and when copies will be available. If fees are due under § 700.251, the responsible official shall also state the amount or, if the exact amount cannot be determined, the approximate amount of fees due.

(2) If the record was obtained by the Commission from a person or entity outside of the Government, the responsible official shall, when it is administratively feasible to do so, notify that person or entity that the record has been made available.

(c) *Denial of requests.* A request for a record may be denied only if it is determined that (1) the record is exempt from disclosure and (2) that withholding of the record is required by statute of Executive order or supported by sound grounds.

(2) A request to inspect or copy a record shall be denied only by the Freedom of Information Act Officer or by an official whom the Executive Director has in writing designated.

(d) *Form of denial.* A reply denying a request shall be in writing and shall include:

(1) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(2) If neither a statute nor an Executive order requires withholding, the sound ground for withholding;

(3) A listing of the names and titles or positions of each person responsible for the denial;

(4) A statement that the denial may be appealed to the Commission pursuant to § 700.247 and that such appeal must be in writing and be received by this oficial within 20 days (Saturdays, Sundays, and public legal holidays excepted) after the date of the denial, in the case of the denial of an entire request, or within 20 days (Saturdays, Sundays, and public legal holidays excepted) of records being made available, in the case of a partial denial, by writing to the Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

(e) *Exception.* The requirements of paragraphs (c), (d), and (e) of this section do not apply to requests denied under § 2.14 on the ground that the request did not reasonably describe the records requested or to requests for records which do not exist.

(f) *Filing of denials.* Copies of all replies denying, in whole or part, a request for a record which are issued under this section of § 700.243 shall be promptly submitted by the Freedom of Information Act Officer, denials to the Executive Director and the Commission's legal counsel.

§ 700.245 Time limits on processing of initial requests.

(a) *Basic limit.* Requests for records shall be processed promptly. A determination whether to grant or deny a request shall be made within no more than 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of a request. This determination shall be communicated immediately to the requester.

(b) *Running of basic time limit.* For purposes of paragraph (a) of this section, the time limit commences to run when a request is received at the Commission's office in Flagstaff, Arizona.

(c) *Extensions of time.* In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary to the proper processing of the particular request, but in no case may the time limit be extended for more than 10 working days:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or amont two or more components of the agency having substantial subject-matter interest therein.

(d) *Authority to make extensions.* (1) An extension of time under paragraph (c) of this section may be made only by the Freedom of Information Act Officer or such higher authority as the Commission has in writing designated.

(2) The person requesting the records shall be notified in writing of the extension. The written notice shall state the reason for the extension and the date on which a determination on the request is expected to be dispatched.

(3) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

(e) *Treatment of delay as denial.* (1) If no determination has been reached at the end of the 10-day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 700.247.

(2) When no determination can be reached within the applicable time limit, the responsible official shall nevertheless continue to process the request. On expiration of the time limit, the responsible official shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial for purposes of appeal to the Commission in accordance with § 700.247. The requester may be asked to consider delaying use of his right to appeal until the date on which the determination is expected to be dispatched. If the requester so agrees, he is deemed not to have treated the failure to respond within the applicable time limit as a denial for purposes of the running of the 20 (twenty) working-day appeal period set out in § 700.247. If a determination of the request is not issued by the new agreed upon date, or if the request is denied in whole or part, the requester will have available his full right of appeal under § 700.247, including the entire 20 (twenty) working-day period for filing of the appeal.

§ 700.247 Appeals.

(a) *Right of appeal.* Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the Commission.

(b) *Time for appeal.* An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after records have been made available, in the case of a partial denial.

(c) *Form of appeal.* (1) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and should, in order to expedite the appellate process and give the requester an opportunity to present his arguments, contain a brief statement of the reasons why the requester believes the initial denial to have been in error.

(2) The appeal shall be addressed to Freedom of Information Act Officer, Navajo-Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

(3)(i) Both the envelope containing the notice of appeal and the face of the notice shall bear the legend "FREEDOM OF INFORMATION APPEAL." The failure of an appeal to bear such a legend will not disqualify an appeal from processing under § 2.18 if the appeal otherwise meets the requirements of this section. An appeal not bearing the legend "FREEDOM OF INFORMATION APPEAL" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 700.249 until it has been identified by Commission personnel as a Freedom of Information Appeal and marked by them with this legend.

(ii) Commission personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION APPEAL" as an appeal otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION APPEAL," (B) date the appeal to reflect the date on which it was identified, and (C) take steps to assure proper processing of the appeal under the procedures in this subpart.

(4) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Executive Director and the Commission's legal counsel.

§ 700.249 Action on appeals.

(a) *Authority.* Appeals from initial denials of requests for records shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(b) *Time limit.* A final determination on any appeal shall be made within 20 days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(c) *Extensions of time.* (1) If the time limit for responding to the initial request for a record was not extended under the provisions of § 700.245 or was extended for fewer than 10 (ten) working days, the time for processing of the appeal may be extended by the Executive Director to the extent reasonably necessary to the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than 10 (ten) working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 700.245(c) requires an extension.

(2) The Executive Director shall, in writing, advise the appellant of the reasons for the extension and the date on which a final determination of the appeal is expected to be dispatched.

(3) If no determination on the appeal has been reached at the end of the 20 (twenty) working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit, the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on which the determination on his appeal is expected to be dispatched.

(d) *Form of decision.* The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Freedom of Information Act Officer shall immediately make the records available or instruct the appropriate bureau official to make them immediately available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia, and shall set forth the names and titles or positions of each person responsible for the denial.

(e) *Distribution of copies.* Copies of final determinations issued by the Commission shall be provided to the Commission's legal counsel.

§ 700.251 Fees.

(a) *Services for which fees may be charged.* (1) Unless waived pursuant to the provisions of paragraph (c) of this section, user fees shall be charged for document search and duplication costs incurred in responding to requests for records. User fees also shall be charged for the formal certification of verification attached to authenticated copies of records under the seal of the Commission.

(2) Unless waived or reduced pursuant to paragraph (c) of this section, user fees shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual.

(b) *Services for which fees may not be charged.* No fee may be charged for any services required by the Freedom of Information Act to be performed in responding to a request for records other than those services for which fees may be charged under subsection (a) of this section. Services for which no fees may be charged include, but are not limited to, (1) examining requested records to determine whether they are exempt from mandatory disclosure or whether, even if exempt, they should nevertheless be made available in whole or part, (2) deleting exempt matter from records so that the remaining portions of the records may be made available, (3) monitoring a requester's inspection of agency records made available to him for inspection, and (4) resolving legal and policy issues affecting access to requested records.

(c) *Waiver or reduction of fees.* (1) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests for records may be waived or reduced, as appropriate, if the official making the records available determines that furnishing the records can be considered as primarily benefiting the public as opposed to the requester.

(2) Fees otherwise applicable for document research and duplication costs incurred in responding to requests may be waived and not charged if the request involves:

(i) furnishing unauthenticated copies of any documents reproduced for gratuitous distribution;

(ii) furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Commission;

(iii) furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held.

(3) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests may be waived or reduced if the cost of collecting the fee would exceed the amount of the fee or if the request involves:

(i) furnishing records to press, radio and television representatives for dissemination through the media to the general public;

(ii) furnishing records to donors with respect to their gifts;

(iii) furnishing records to individuals or private non-profit organizations having an official voluntary or cooperative relationship with the Commission to assist the individual or organization in its work with the Commission.

(iv) furnishing records to state, local and tribal governments and public international organizations when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Commission and to do so will help to accomplish the work of the Commission;

(v) furnishing records when to do so saves costs and yields income equal to the direct cost of providing the records (e.g., where the Commission's fee for the service would be included in a billing against the Commission);

(vi) furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Commission employee);

(vii) furnishing one copy of a record in order to assist the requester to obtain financial benefits to which he is entitled (e.g., veterans or their dependents, employees with Government employee compensation claims or persons insured by the Government).

(d) *Notice of anticipated fees and prepayment.*

(1) Where it is anticipated that fees chargeable under whis section may amount to more than $25.00 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the request shall be deemed not to have been received for purposes of the time limits established by § 700.245 until the requester is advised of the fees which are anticipated and has agreed to pay these fees. Advice to requesters with respect to anticipated fees shall be provided promptly.

(2) The appropriate cases, advance payment of fees may be required before requested records are made available to the requester.

(3) A notice of anticipated fees or notice of request for advance payment shall extend an offer to the requester to confer with appropriate personnel in an attempt to reformulate the request in a manner which will reduce the anticipated fees and meet the needs of the requester.

(e) *Form of payment.* Payment of fees shall be made by check or money order payable to the Navajo-Hopi Indian Relocation Commission. The term United States or the initials "U.S." shall not be included on the check or money order. Where appropriate, the official responsible for handling a request may required that payment by check be made in the form of a certified check.

Subpart K—Pirvacy Act

§ 700.255 Purpose and scope.

This subpart contains the regulations of the Navajo and Hopi Indian Relocation Commission implementing Section 3 of the Privacy Act.

§ 700.257 Definitions.

(a) *Act.* As used in this subpart, "Act" means Section 3 of the Privacy Act, 5 U.S.C. 552a.

(b) *Individual.* As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Maintain.* As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(d) *Record.* As used in this subpart, "record" means any item, collection, or grouping of inormation about an individual that is maintained by the Commission including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(e) *System of records.* As used in this subpart, "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) *Medical records.* As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(g) *Civil Service Commission personnel records.* As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Commission and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(h) *Statistical records.* As used in this subpart "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(i) *Routine use.* As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(j) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published annually in the Federal Register.

(k) *System manager.* As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(l) *Commission Privacy Act Officer.* As used in the subpart, "Commission Privacy Act Officer" means the official in the Commission charged with responsibility for assisting the Commission in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the divisions of the Commission in carrying out the functions which they are assigned in this subpart.

§ 700.259 Records subject to Privacy Act.

The Privacy Act applies to all "records" as that term is defined in § 700.257(d), which the Commission maintains in a "system of records," as that term is defined in § 700.257(e).

§ 700.261 Standards for maintenance of records subject to the Act.

(a) *Content of records.* Records subject to the Privacy Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy.* Records subject to the Privacy Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information.* (1) Information which may be used in making determinations about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others, may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individual concerning uses of information.* (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3)(i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 700.263 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained, 5 U.S.C. 522a(e)(10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the requirements of § 700.265 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.108.

§ 700.265 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Commission may disclose records subject to the Privacy Act unless disclosure is permitted under §700.267 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Commission may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 700.287–700.295 or the decision of a court of competent jurisdiction.

§ 700.267 Disclosure of records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) To those officers or employees of the Commission who have a need for the record in the performance of their duties; or

(2) Required by the Freedom of Information Act, 5 U.S.C. 522.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) For a routine use as defined in § 700.257(i) which has been described in a systems notice published in the **Federal Register**;

(2) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 United States Code.

(3) To a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adquate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) Pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individal, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are

accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Commission indicating that the record may not be fully accurate, complete, or timely.

§ 700.269 Accounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 700.267(c), an accounting shall be made.

(2) The accounting shall record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made.

(3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is make.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 700.267(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 700.277.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 700.267(c)(9) as the result of the order of a court of competent jurisdiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§ 700.271 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1)(i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expenditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 700.273 Request for notification of existence of records: Action on.

(a) *Decisions on request.* (1) An individual inquiring to determine whether a system of records contains records pertaining to him shall be advised within 10 days (excepting Saturdays, Sundays and legal public holidays) whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that his is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision informing an individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Executive Director pursuant to § 700.285 by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 96002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 700.275 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 700.277 Requests for access to records: Submission.

(a) *Submission of requests.* (1) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific records or records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the

requested records. Requesters are further notified that under § 700.279(d) the failure to state willingness to pay fees as high as are anticipated by the Commission will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the request of the deficiency in the request.

§ 700.279 Request for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the Privacy Act Officer.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 700.279(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to the Executive Director pursuant to § 700.281 by writing to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 700.271.

(2) Fees for copying a record in response to a request made under § 700.271 shall be charged in accordance with the schedule of charges contained in the Commission's Management Manual, unless the official responsible for processing the request determines that, in his/her opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he/she is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 700.281 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he/she is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record that individual may appeal to the Executive Director.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 700.273 and 700.277 shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 700.283 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that dislosure should be made to a medical doctor of the individual's choosing.

(2) It it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to receive the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect record pertaining to him which have been opend for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§ 700.285 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if he believes the record is not accurate, relevant, timely or complete. 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedure in this subpart.

§ 700.287 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wished to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes

sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 700.289 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 700.261. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Commission Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the Privacy Act Officer.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holidays excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 700.287, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 700.287.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petition for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Executive Director by writing to the Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petition for amendment is accepted, in whole or part, the appropriate Commission Division maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 700.269 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 700.291 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 700.289(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays, and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 700.289(d) that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 700.293 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to the Executive Director.

(b) *Time for appeal.* (1) An Appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Executive Director may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received withing twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Navajo and Hopi Indian Relocation Commission, Box KK, Flagstaff, Arizona, 86002.

§ 700.295 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Commission by the Executive Director after consultation with the Commission's legal counsel unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Navajo and Hopi Indian Relocation Commission. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Navajo and Hopi Indian Relocation Commission shall be transmitted by the Executive Director, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Commission. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 700.297 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Commission, a brief statement by the Commission summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Commission's refusal to amend the record.

(3) If the determination reverses, in whole or in part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 700.297 Statement of disagreement.

(a) *Filing of statements.* If the determination of the Executive Director under § 700.295 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record, a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under the section occuring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Commission for not making the requested amendments may also be provided to recipient.

Subpart L—Determination of Eligibility, Hearing and Administrative Review (Appeals)

§ 700.301 Definitions.

(a) Certifying Officer, as used in this subpart, means that member of the Commission staff who certifies eligibility for relocation assistance benefits and/or for life estate leases.

(b) An aggrieved person, as used in this subpart, means a person who has been denied any relocation assistance benefits for which he/she has applied.

§ 700.303 Initial Commission determinations.

(a) Initial Commission Determination concerning individual eligibility or benefits for any person who has filed a claim for benefits and for granting of Life Estate Leases shall be made by the Certifying Officer. The Determination shall include the amount, if any, which the individual is entitled, and shall state the reasons therefore. Such Determination shall be communicated to the Applicant by certified letter or in person by Commission Staff. A record of such personal notice shall be maintained by the Commission.

(b) An explanatory conference shall be scheduled by and with the Certifying Officer, if requested by the Applicant or the Certifying Officer within fourteen days of the communication of the Determination; the right to a hearing is not dependent on the holding of such a conference. The Certifying Officer may reserve, amend, or leave standing the Initial Determination as a result of such conference *Provided, however* his/her decision shall be communicated in writing to the Applicant by certified letter or in person by Commission staff within five days after such conference.

(c) Communications of Determinations to the Applicant as provided for in paragraph (a) of this section shall include an explanation of the availability of grievance procedures, including hearings and representation of counsel and the fact that a hearing must be requested within 14 (fourteen) days of receipt of the determination.

(d) No decision which at the time of its rendition is subject to appeal to the Commission shall be considered final agency action subject to judicial review under 5 U.S.C. sec. 704, *Provided, that* in the event of a whole or partial denial, no benefits shall be paid unless and until said Determination is reversed or modified as provided for herein.

§ 700.305 Availability of hearings.

All persons aggrieved by Initial Commission Determinations concerning eligibility, benefits, or for granting of Life Estate Leases may have a Hearing to present evidence and argument concerning the Determination. Parties seeking such relief from the Commission's Initial Determination shall be known as "Applicants." When multiple Applicants claim interest in one benefit, determination, or question of eligibility, their hearings may be consolidated at the Presiding Officer's discretion.

§ 700.307 Request for hearings.

Hearing requests shall be made in person or by letter and must be received by the Commission within thirty days after the notice letter was received, the personal notice was given, or if an explanatory conference is held, after the decision of the Certifying Officer. The request shall also contain a specific statement indicating the basis for the request.

§ 700.309 Presiding Officers.

The hearing shall be presided over and conducted by one of the Commissioners appointed pursuant to 25 U.S.C. 640d–11(b) or by such other person as the Commission may designate.

§ 700.311 Hearing scheduling and documents.

(a) Hearings shall be held as scheduled by the Presiding Officer.

(b) Notice of the hearing shall be communicated in writing to the applicant at least fourteen days prior to the hearing and shall include the time, date, place, and nature of the hearing.

(c) Written notice of the Applicant's objections, if any, to the time, date, or place fixed for the hearing must be filed with the Presiding Officer at least five days before the date set for the hearing. Such notice of objections shall state the reasons therefore and suggested alternatives. Discretion as to any changes in the date, time, or place of the hearing lies entirely with the Presiding Officer, *provided that* the fourteen-day notice period as provided in paragraph 2 above shall be observed unless waived in writing by the applicant or his representative.

(d) All hearings shall be held within thirty days after Commission receipt of the applicant's request therefore unless this limit is extended by the Presiding Officer.

(e) All hearings shall be conducted at the Commission offices in Flagstaff, Arizona, unless otherwise designated by the Presiding Officer.

(f) All time periods in this regulation include Saturdays, Sundays and holidays. If any time period would end on a Saturday, Sunday or holiday, it will be extended to the next consecutive day which is not a Saturday, Sunday or holiday.

(g) A copy of each document filed in a proceeding under this section must be filed with the Commission and may be served by the filing party by mail on any

other party or parties in the case. In all cases where a party is represented by an attorney or representative, such attorney or representative will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney or representative, which service shall suffice as if made upon the Applicant. Where a party is represented by more than one attorney or representative, service upon one of the attorneys or representatives shall be sufficient.

(h) Hearings will be recorded verbatim and transcripts thereof shall be made when requested by any parties; costs of transcripts shall be borne by the requesting parties unless waived according to § 700.313(e).

(i) Applicants may be represented by an attorney licensed by the highest court of the state in which the hearing is conducted or by an advocate licensed to practice in any Hopi or Navajo Tribal Court.

§ 700.313 Evidence and procedure.

(a) At the hearing and taking of evidence the Applicant shall have an opportunity to:

(1) Submit and have considered facts, witnesses, arguments, offers of settlement, or proposals of adjustment;

(2) Be represented by a lawyer or other representative as provided herein;

(3) Have produced Commission evidence relative to the determination *Provided, that* the scope of pre-hearing discovery of evidence shall be limited to relevant matters and to methods as determined by the Presiding Officer.

(4) Examine and cross-examine witnesses;

(5) Receive a transcript of the hearing on request and upon payment of appropriate Commission fees as published in the Commission's Management Manual, which may be waived in cases of indigency.

(b) The Presiding Officer is empowered to:

(1) Administer oaths and affirmations;

(2) Rule on offers of proof;

(3) Receive relevant evidence;

(4) Take deposition or have depositions taken when the ends of justice would be served and to permit other pre-hearing discovery within his/her discretion;

(5) Regulate the course and conduct of the hearings; including pre-hearing procedures;

(6) Hold pre-hearing or post-hearing conferences for the settlement or simplification of the issues by consent of the parties;

(7) Dispose of procedural requests or similar matters;

(8) Make a record of the proceedings;

(9) Hold the record open for submission of evidence no longer than fourteen days after completion of the hearings;

(10) Make or recommend a decision in the case based upon evidence, testimony, and argument presented;

(11) Enforce the provisions of 5 USCA § 557(d) in the event of a violation thereof;

(12) Issue subpoenas authorized by law; and

(13) Extend any time period of this subpart upon his/her own motion or upon motion of the applicant, for good cause shown.

§ 700.315 Post hearing briefs.

Applicants may submit post-hearing briefs or written comments to the Presiding Officer within fourteen days after conclusion of the Hearings. In the event of multiple applicants or parties to a hearing, such briefs shall be served on all such applicants by the applicant submitting the brief.

§ 700.317 Presiding Officer decisions.

(a) The Presiding Officer shall submit to the Commission a written decision based upon the evidence and argument presented, within *sixty* days, not including any period the record is held open, if any, after conclusion of the hearing, unless otherwise extended by the Presiding Officer.

(b) Copies of the Presiding Officer's decision shall be mailed to the Applicant. The Applicant may submit briefs or other written argument to the Commission within fourteen days of the date the Presiding Officer's determination was mailed to them.

§ 700.319 Final agency action.

Within 30 (thirty) days after receipt of the Presiding Officer's decision, the Commission shall affirm or reverse the decision and issue its final agency action upon the application in writing; *provided that* in the event one Commissioner sits as the Presiding Officer, the final agency action shall be determined by the remaining Commissioners and such other person as they may designate who did not so preside over the hearing. Such decisions shall be communicated in writing to the applicant by certified mail.

§ 700.321 Direct appeal to Commissioners.

Commission determinations concerning issues other than individual eligibility or benefits which do not require a hearing may be appealed directly to the Commission in writing. The Commission decison will constitute final agency action on such issues.

§ 700.323 Completed relocations.

These procedures shall apply to all relocatees who hve completed moves on or before April 15, 1980. Such individuals shall have 180 days after April 15, 1980, within which to request a Hearing under this regulation. Notice of this right shall be mailed to all individuals within 30 (thirty) days after April 15, 1980.

Sandra Massetto,

Commissioner, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81-7323 Filed 3-6-81; 8:45 am]

BILLING CODE 4310-HB-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1771-4]

Interstate Pollution Abatement; Proceedings Under Section 126 of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of modeling results.

SUMMARY: In a notice dated March 17, 1980, 45 FR 17048, EPA announced that a hearing would be held on April 17, 1980, in Louisville, Kentucky, to initiate proceedings under section 126 of the Clean Air Act on the issue of whether the Public Service of Indiana Gallagher Station emits sulfur dioxide in violation of section 110(a)(2)(E)(i) of the Clean Air Act. The hearing was held, at which time it was announced that additional modeling would be conducted if merited by subsequent information.

The diffusion modeling was reanalyzed because revised stack data were submitted by the Air Pollution Control District of Jefferson County and Public Service of Indiana. EPA is today making available the revised modeling for public comment and will accept comments within 30 days.

DATE: Deadline for submission of comments on the modeling results is April 8, 1981.

ADDRESSEES: Copies of the modeling results portion of the docket (docket #5A-80-9) for this section 126 petition are on file at:

The Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460

Library, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604
Air Pollution Control District of Jefferson County, 914 E. Broadway, Louisville, Kentucky 40204
Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, W. Frankford Office Complex, U.S. 127 South, Frankford, Kentucky 40601
Air Pollution Control Division, Indiana Board of Health, 1330 W. Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031
Mr. Barry Gilbert, Air Programs Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 681-3286

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-7252 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1770-7]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the sulfur dioxide (SO_2) nonattainment status designation for portions of Montgomery and Greene Counties in Ohio. Based upon additional data received, EPA is proposing to redesignate the nonattainment areas in Montgomery and Greene Counties to attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2, thus making these counties full attainment. The purpose of this notice is to discuss the additional data, to propose redesignation of portions of the counties, and to invite public comment.

DATE: Comments must be submitted by no later than April 8, 1981.

ADDRESSES: Address comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604
United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the submission are also available at: Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT:

Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, 312-886-6053.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

On March 3, 1978 (43 FR 8962), EPA designated Montgomery and Greene Counties nonattainment for the primary SO_2 NAAQS. EPA amended the designations on October 5, 1978. For Montgomery County (43 FR 46015), EPA retained the primary nonattainment designation for the entire area southeast of the following line: Route 4 northeast to Union Road; Union Road north to Route 70; Route 70 east to county boundary; and designated the remainder of the county attainment. For Greene County (43 FR 46014), EPA retained the primary nonattainment designation for Bath Township and designated the remainder of the county attainment.

At the time of the above designations, a number of sources in Montgomery and Greene Counties were not in compliance with the Federally promulgated SO_2 SIP emission limitations. On January 17, 1980, Ohio EPA requested that the nonattainment areas in Montgomery and Greene Counties be redesignated to attainment for the SO_2 NAAQS. Ohio EPA claimed that the SO_2 sources in these two counties were in compliance with the existing allowable emission levels. EPA established the SO_2 limits for these counties after a comprehensive analysis using RAM-urban modeling techniques. These limits were demonstrated by EPA to be adequate to ensure attainment and maintenance of the NAAQS. Consequently, a certification of compliance with these emission limitations would be adequate proof that the NAAQS would be protected and be an acceptable basis for redesignation of the two counties.

In a November 25, 1980 letter, the Ohio EPA substantiated their claim that the SO_2 sources in Montgomery and Greene Counties were in compliance with the current regulations. Ohio EPA certified that all sources in these counties were in compliance with the existing emission limitations (40 CFR 52.1881(b)(46) and (b)(29)), based on the test methods and procedures outlined in 40 CFR 52.1881(b)(2)(iii), with the exception of the Wright Patterson Air Force Base (WPAFB) in Greene County. The WPAFB has, however, applied to EPA for a State Implementation Plan (SIP) revision to the existing Federally promulgated SO_2 emission limitations. Although WPAFB is not in compliance with the existing Federal limits, they are in compliance with their revised limit, which EPA proposed to approve on December 21, 1979 (44 FR 75671). EPA's final rulemaking on the WPAFB SIP revision will be published in a separate **Federal Register** notice.

As additional support for their redesignation request, the Ohio EPA submitted all available SO_2 monitoring data since 1978 collected in and around the current nonattainment area. For redesignations based solely on monitoring data EPA requires that the most recent eight calendar quarters of data must show no violations of the NAAQS. No violations of the primary and secondary standard have been measured at the reference monitors since at least 1978. Eight consecutive quarters of quality assured data, however, were not available at the reference monitors. Consequently, this redesignation is not based solely on monitoring data. Nevertheless, the data can be used to reinforce EPA's proposed redesignation to attainment since there were no violations measured since at least 1978.

EPA has reviewed Ohio EPA's redesignation request and is proposing to redesignate the nonattainment areas in Montgomery and Greene Counties to attainment for SO_2. This determination is based on Ohio EPA's certification that sources in Montgomery and Greene Counties are in compliance with the

existing SO_2 emission limitations (with the exception of WPAFB who is in compliance with their proposed emission limit) and is supplemented by the available monitoring data which show no recent violations of the NAAQS for SO_2. Note, however, that EPA's final rulemaking on this redesignation request cannot be processed until EPA has promulgated the revised WPAFB emission limit. Also, this rulemaking in no way precludes any future enforcement action should there be any violations of the sulfur dioxide emission limitations by sources in the subject counties.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the redesignation. Section 107 of the Clean Air Act, as amended (42 U.S.C.'7407).

According to section 107 of the Clean Air Act, the Administrator of the U.S. Environmental Protection Agency must approve the redesignation submitted by Ohio before it may become effective (42 U.S.C. 7407). Today's action proposes approval of that redesignation.

Pursuant to the provisions of 5 U.S.C. § 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designation(s). Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Dated: February 24, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-7348 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1770-8]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental rulemaking notice proposes to change the attainment status designation for Defiance County, Ohio for total suspended particulates (TSP). The purpose of this notice is to discuss the results of EPA's review of the additional monitoring data, to propose to change the TSP nonattainment designation for Richland Township to attainment, thus making all of Defiance County attainment, and to invite public comment.

DATE: Comments must be submitted by no later than April 8, 1981.

ADDRESSES: Address comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the SIP revision, public comment on the Notice of Proposed Rulemaking (45 FR 17596), supporting ambient air quality data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Copies of the submission are also available at: Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, United States Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, 312-886-6053.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the state. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data becomes available to warrant a redesignation.

On March 3, 1978, EPA designated Defiance County as nonattainment of the primary NAAQS for TSP (43 FR 8962, 9023). EPA amended the designation on October 5, 1978 (43 FR 45993, 46012) retaining the primary nonattainment designation for those areas of Richland Township not within the City of Defiance, revising the designation for the City of Defiance to secondary nonattainment, and making the remainder of Defiance County attainment. Because the primary nonattainment designation included the area surrounding General Motors Corporation's (GM) Central Foundry located in Richland Township, GM petitioned on November 20, 1978, to revise the designation for Richland Township to attainment.

To redesignate an area from nonattainment to attainment, the most recent eight calendar quarters of data must show no violations of the NAAQS. To support its redesignation request, GM submitted nine quarters of TSP monitoring data for the period July 1977 to September 1979. These data were collected from GM's monitoring network located around its Central Foundry. EPA reviewed GM's request and asked Ohio EPA to review the designation. On February 1, 1980, Ohio EPA recommended that the designation be revised to secondary nonattainment because there were violations of the secondary standard for TSP within the most recent eight calendar quarters of monitoring data. No violations of the primary standard were found during the last eight quarters of data.

Therefore, based upon the ambient air monitoring data, and Ohio EPA's recommendation, on March 19, 1980 (45 FR 17596) EPA proposed to redesignate Richland Township, exluding the City of Defiance, from primary nonattainment to secondary nonattainment for TSP. Public comments were solicited.

On April 29, 1980, GM submitted public comments on the proposed redesignation and repeated its request that Richland Township be classified as attainment of both the primary and secondary NAQS for TSP. To support its request, GM submitted two additional quarters of TSP monitoring data on April 29, 1980 and an additional quarter of data on August 7, 1980.

EPA reviewed GM's request and asked Ohio EPA to review the designation. On October 28, 1980, Ohio EPA recommended that all of Defiance County, including Richland Township, be reclassified to attainment for TSP. This recommendation is based on the TSP monitoring data submitted by GM and is supported by monitoring data collected by Ohio EPA from its monitoring site in the City of Defiance. The combined data shows no violations of the TSP primary and secondary standard within the most recent eight calendar quarters of data for Richland Township. Therefore, based upon the TSP ambient monitoring data submitted by GM and Ohio EPA, and on Ohio

EPA's recommendation, EPA is proposing to redesignate Richland Township to attainment of the NAAQS for TSP. This redesignation will result in all of Defiance County being classified as attainment.

All interested persons are invited to submit written comments on the proposed redesignation. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the redesignation Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

According to section 107 of the Clean Air Act, the Administrator of the U.S. Environmental Protection Agency must approve the redesignation submitted by Ohio before it may become effective (42 U.S.C. 7407). Today's action proposes approval of that redesignation.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantal number of small entities. This action imposes on regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-7364 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 3,14, 24, 188 and 189

[CGD 77-081]

Oceanographic Research Vessels

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for Proposed Rules.

SUMMARY: In the **Federal Register** of December 22, 1980 (45 FR 84104) the Coast Guard proposed changes to the regulations pertaining to oceanographic research vessels. This notice extends the public comment period for these proposed rules until March 22, 1981. The original closing date for public comment was February 5, 1981. This action is being taken because some parties wishing to submit comments have indicated that the original closing date for receipt of public comment did not allow adequate time for a thorough review of the proposal.

DATES: As discussed above, the public comment period has been extended until March 22, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24), (CGD 77-081), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 A.M. and 5 P.M., Monday through Thursday, comments may be delivered to and will be available for examination at the Marine Safety Council (G-CMC/24), Room 2418, 2100 Second Street S.W., U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Commander Scott D. McCowen, Office of Merchant Marine Safety, Vessel Manning Branch (G-MVP-5/14), Washington, D.C. 20593 (202-426-2240).

[46 U.S.C. 441-445, 49 U.S.C. 1655(b), 49 CFR 1.46(b)]

Dated: February 24, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-7361 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Extension of comment period.

SUMMARY: On January 16, 1981, the National Oceanic and Atmospheric Administration (NOAA) published proposed rulemaking regarding implementing the three-year quota for the subsistence harvest of bowhead whales (46 FR 3942). Comments on the proposed rulemaking were to be submitted on or before February 27, 1981. That comment period is hereby being extended to, on or before, March 10, 1981 in order to provide full participation from the public sector.

DATE: Comments may be submitted on or before March 10, 1981.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, Washington, D.C. 20235, Telephone: (202) 634-7461.

Dated: March 4, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7360 Filed 3-6-81; 8:45 am]

BILLING CODE 3501-22-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 21335; Petition Notice No. PR-81-5]

Balloon Federation of America; Balloon Pilot and Flight Instructor Certification; Petition for Rulemaking

AGENCY: Federal Aviation Administration (FAA).

ACTION: Publication of petition for rulemaking for change in certain FAA regulations.

SUMMARY: This notice publishes for public comment the petition of the Balloon Federation of America dated March 24, 1980. The petitioner requests amending the Federal Aviation Regulations with repect to requirements for certification of balloon pilots and flight instructors. The petition is being published verbatim because of the specific nature of the requested changes and their relationship to each other. Although this notice sets forth the contents of the petition as received, its publication does not represent any agency position on the merits of the petition. This notice does not propose any amendment of current rules or any change in policy or procedures. After consideration of the available data and comments received in response to this notice, the FAA will determine whether it should proceed to rulemaking or other proceedings based on the Balloon Federation of America petition. If rulemaking is appropriate, a notice of proposed rulemaking containing regulatory proposals will be issued.

DATES: Comments must be received on or before May 11, 1981.

ADDRESS: Send comments on this petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Raymond E. Ramakis, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800

Independence Avenue, Washington, D.C. 20591, Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed, stamped postcard which states "Comments to Docket No. 21355." The postcard will be date and time stamped and returned to the commenter.

Background

Amendment 61–60, adopted January 23, 1973, became effective November 1, 1973, and estblished a free balloon rating for private pilot certificates and amended the knowledge, skill, and experience requirements for a free balloon rating on a commercial pilot certificate. These amendments also recognized differences between hot air free balloons equipped with airborne heaters and those not equipped with airborne heaters. Additionally, the rule distinguished hot air balloons from gas balloons.

Currently, the FAA does not issue a free balloon rating on a flight instructor certificate. Instead, the rule provides that a holder of a commercial pilot certificate with a free balloon class rating may conduct flight instruction in a free balloon.

In recent years the numbers of ballons and balloon pilots have increased significantly. The number of balloon accidents has also increased.

Issued in Washington, D.C., on March 2, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of the Balloon Federation of Amertica dated March 24, 1980.

John W. Collins,

Chairman/FAA Liaison Committee, Balloon Federation of America

March 24, 1980.

Mr. Langhorne McCook Bond,

Administrator, Federal Aviation Administration, Washington, D.C.

Mr. Bond: Acting on behalf of the Balloon Federation of America, whose Board of Directors approved the following on 25 Feb., 1980, and in the interest of flight safety and in the public interest, I do hereby petition (as set forth in Federal Aviation Regulation 11.25) the Administrator, Federal Aviation Administration, to issue the following amendments and additions to Federal Aviation Regulation 61 pertaining to the certification of Lighter Than Air Hot Air Balloon pilots and flight instructors.

(1) Amend the number of hours required for a Private Pilot Lighter Than Air Hot Air Balloon certification from 10 to 15 hours flight time in Lighter Than Air Hot Air Balloon, which would include at least 8 hours with a Certificated Flight Instructor and at least 8 flights with a Certificated Flight Instructor.

(2) Amend the number of hours required for a Commercial Pilot Lighter Than Air Hot Air Balloon Certificate from 35 to 75 hours of flight instruction and solo flight time which must include the following:

(a) At least 50 hours and at least 50 flights in hot air balloons.

(b) 15 hours and at least 15 flights with a Certificated Flight Instructor Lighter Than Air Hot Air Balloon.

(3) Repeal Federal Aviation Regulation 61.139(c).

(4) Add to Federal Aviation Regulation 61 a Certificated Flight Instructor Lighter Than Air Hot Air Balloon rating with the following requirements:

(a) Applicant must possess a Commercial Pilot Certificate with Lighter Than Air category and Free Balloon class rating.

(b) 150 hours of flight instruction and solo flight time with at least 125 hours in Lighter Than Air Hot Air Balloon.

(c) 100 flights in Lighter Than Air Hot Air Balloon.

(d) Aeronautical knowledge same as 61.185(a).

(e) Amend Federal Aviation Regulation 61.187(b) to read "or 50 hours in the case of Lighter Than Air Hot Air Balloon.

After careful study of the computer printouts obtained from the Federal Aviation Administration and the National Transportation Safety Board concerning all reported accidents and incidents involving hot air balloons and considering the number of fatalities that we have seen in the last year that made the National media, the Balloon Federation of America has promulgated these suggested rule changes in the Balloon Federation of America Journal and the Balloon Federation of America Newsletter since November 1979.

In both we requested comments from all interested persons. The response was overwhelmingly in favor of these changes.

The Board of Directors of the Balloon Federation of America as well as the majority of respondents are most concerned with the increasing number of fatalities, accidents and incidents involving hot air balloons. All are of the opinion that with increased training and experience, more thorough and professional flight training, there will be a marked decrease in the number of accidents, both fatal and non-fatal and a tremendous reduction in damage to hot air balloons as well as persons and property on the ground.

John W. Collins,

Chairman, FAA Liaison Committee.

JWC/cc

cc/Bill Murtorff,
President BFA

Lloyd Miller,
NTSB

[FR Doc. 81-7117 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-CE-36-AD]

Cessna 150, A150, 152 and A152 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of advance notice of proposed rule making.

SUMMARY: This action withdraws the Advance Notice of Proposed Rule Making (ANPRM), Docket No. 80–CE–36–AD, published in the **Federal Register** on October 27, 1980 (45 FR 70880). The notice sought comments and information from interested persons to aid the FAA in selecting the most appropriate action to prevent engine power loss or stoppage from fuel starvation due to accumulation and freezing of water at the tee fitting located at the fuel system's lowest point forward of the fuel selector. Review of the comments and subsequent evaluation has determined that the present operating and maintenance instructions, if strictly observed, are adequate to prevent the accumulation of water at this location and that no undue safety hazard exists. Accordingly, the ANPRM is hereby withdrawn.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Leon Edwards, Propulsion Section, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–7927.

SUPPLEMENTARY INFORMATION: There have been several accidents/incidents involving loss of engine power or stoppage on certain Cessna 150, A150, 152 and A152 series airplanes during cold weather operation. Investigation of these occurrences by the FAA discloses that in some cases water and/or ice was present at the tee fitting located at the lowest point in the fuel system forward of the fuel selector valve. A removable cap is installed on the leg of the tee which extends through the belly of the airplane fuselage for drainage purposes.

It is accessible for removal at this location, but simple hand tools are required for this removal. The applicable manufacturer's Pilot's Operating Handbook and Aircraft Service Manual require that this fitting be drained whenever water is found during drainage of the fuel strainer and at each 100-hour/annual inspection or at 100-hour intervals on progressive inspections. Based on the FAA's investigations, there were indications that the presence of water or ice at this location may have contributed to the incidents specified above.

On October 10, 1980, the FAA issued Notice 80-CE-36-AD, an Advance Notice of Proposed Rule Making published in the **Federal Register** on October 27, 1980, in which the FAA invited public participation in the identification and selection of a course of action to prevent engine power loss or stoppage caused by freezing of water at the low point in the fuel feed line on certain Cessna 150, A150, 152 and A152 series airplanes.

The FAA received 1811 comments on the questions set forth in Attachment A of the Notice and a number of letter comments.

Three hundred twenty-nine of the 1811 commenters indicated that water/ice had been found at the tee fitting location when draining the fuel system. Two commenters indicated that ice was found. Those commenters who provided additional information indicated that the amount of water found was a small quantity, a few drops, negligible amount, etc., and that water was found once, occasionally, infrequently, rarely, etc. Other commenters indicated that they were not aware of the drain, that it was never drained, had been drained only after receipt of the ANPRM, that some water was usually found, or that they were not aware of what was found by the mechanic who did the maintenance.

Fifteen hundred and six of the 1811 commenters indicated that their airplane has quick drains in the fuel tanks. Most of these indicated that the fuel tanks are drained of water during preflight.

Thirty-three of the 1811 commenters indicated that they had experienced 37 instances of engine power loss or stoppage attributed to the accumulation of water at the tee fitting location. Of these, 21 indicated power loss or engine stoppage, 10 indicated partial power loss, 5 indicated total loss of power, and in 1 case the engine would not start on the ground prior to flight. A few commenters indicated that their airplane was modified to provide a quick drain at the tee fitting after experiencing engine power loss or stoppage. Thirty-six of the 37 airplanes which experienced engine power loss or stoppage had quick drains in the fuel tank's sumps.

Approximately 75 percent of the commenters who responded indicated that the fuel system tee location is drained at the 100-hour/annual inspection. The remainder indicated that the tee is drained periodically (preflight, daily, weekly, monthly, every 25 hours, every 50 hours, every 200 hours, and every 500 hours), as required, rarely, or never drained.

Thirty-nine of the 1811 commenters indicated that their airplane had been modified to incorporate quick drainage provisions at the tee location. None of these airplanes have experienced a power loss or stoppage. Twenty-nine of the 39 commenters indicated that the tee is drained daily, during preflight, or during preflight and after refueling. Eight others drain the tee at the annual inspection, after refueling, when the outside air temperature is 30 degrees F or below, once in a while, at 25-hour intervals, or, at 50-hour intervals. The remaining two commenters did not indicate how often they drain the tee fitting.

Most commenters indicated that they would anticipate damage to the fuel system resulting from daily removal of the tee fitting cap and that the existing drainage provisions discourage daily drainage.

Approximately 55 percent of the commenters indicated they would install quick drainage provisions at the tee location if available and approximately 36 percent indicated they would not. A number of those who indicated that they would add quick drainage provisions stated that they would do so only if the cost was not prohibitive. A number of those who indicated they would not add quick drainage provisions stated they had no problem with water in the fuel, a quick drain is subject to leakage and creates a fire hazard, possible damage to the drainage provisions by rocks and gravel, the airplane is always flown in a warm climate such as Arizona, Florida, or California, etc., or the airplane is not flown during cold weather.

A number of commenters recommended better training for pilots with regard to fuel system drainage and fueling immediately after flight to minimize water condensation. Others suggested better control of ground servicing facilities to eliminate servicing with contaminated fuel. Some recommended installation of wing tank sump quick drains and drainage during preflight, while others recommended installation of a quick drain at the tee location. Others recommended replacement of the tee with a section of tubing or rerouting to eliminate the low point. Some recommended positioning the tee leg up instead of down. Several commenters indicated they they use additives such as Heet, alcohol, Dry Gas, STP gas treatment, isopropyl alcohol, or Prist during cold-weather operation and recommended approval of these additives. Some recommended closer maintenance of the fuel cap and filler neck seals to prevent entrance of precipitation into the fuel tanks, while others suggested that the fuel manufacturers produce fuel containing a water inhibitor. Other recommendations and suggestions included gasohol as a fuel, that Cessna's present procedures are adequate for fuel system drainage, that the FAA leave things alone stating that no problem really exists, or that an Airworthiness Directive be issued to resolve the problem.

Based on the comments received, and after further review, the FAA has concluded that the existing operating and maintenance procedures, if strictly observed, are considered adequate to prevent the accumulation of water at the tee drain location. However, it is recognized that the present drain arrangement whereby a cap must be removed from the tee for drainage is inconvenient and tends to discourage drainage as called for in the procedures. Accordingly, while additonal rulemaking action based on the advance notice is not considered warranted at this time, as an additional aid to owners/operators, the FAA, in the near future, will publish a Special Issue of General Aviation Airworthiness Alerts (AC 43-16). This issue will contain recommended airplane modifications to facilitate more convenient drainage of water from the fuel system, recommended procedures for fueling and drainage of the fuel system, and information regarding fuel additives.

The withdrawal of the ANPRM does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

The Withdrawal

For the reasons stated above, Advance Notice of Proposed Rule Making, Docket No. 80-CE-36-AD published in the **Federal Register** on October 27, 1980 (45 FR 70880), is hereby withdrawn.

Note.—The FAA has determined that this document involved an advance notice of a proposed regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation

Administration, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 80-CE-36-AD, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5446.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Issued in Kansas, Missouri, on February 25, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-7115 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 20870; FCC 81-30]

Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service

AGENCY: Fedral Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC hereby proposes to adopt rules for the Public Mobile Radio Service which: (1) eliminate the requirement for need showings for applications requesting one new two-way channel; (2) establish objective need standards for applications for additional two-way channels for an existing system; and (3) limit to four the number of new or additional two-way channels that can be granted at any one time. The proposed rules will serve the public interest by clarifying the criteria used to evaluate need showings and by eliminating the requirement that applicants requesting one new two-way frequency submit need showings.

DATES: Comments are due on or before April 7, 1981 and replies on or before May 7, 1981.

ADDRESS: Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John V. Buscemi, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

In the matter of regulatory policies and procedures for the Domestic Public Land Mobile Radio Service, CC Docket 20870 (41 FR 29432) (43 FR 35314).

Further Notice of Proposed Rulemaking

Adopted January 29, 1981.
Released: March 6, 1981.

By the Commission: Commissioners Ferris, Chairman; and Brown not participating.

1. In a *Notice of Inquiry and Notice of Proposed Rulemaking* in the above-captioned proceeding released July 15, 1976 (61 FCC 2d 266), the Commission sought comments on proposals to:

(a) Eliminate the requirement that a state certificate (when needed) be filed at the time of applying for a facility;

(b) Require that applicants apply only for "open" frequencies, or reserve to the Commission the power to assign "open" frequencies to avoid electrical conflicts; and

(c) Adopt objective need criteria for new or additional frequencies allocated for two-way service or paging.

2. Subsequently, in a *First Report and Order* released August 9, 1978, 69 FCC 2d 398, *recon. denied*, FCC 80-451, Mimeo 27852, released August 16, 1980, the state certification issue was resolved. We now propose to further address the remaining items.

Open Frequencies

3. Comments on this proposal were filed by the Allied Telephone Companies Association, the American Telephone and Telegraph Company (AT&T), Florida Radio Telephone Association, Inc., GTE Service Corporation (GTE), the National Association of Radiotelephone Systems—now Telocator Network of America (Telocator), Radio Relay Corporation, Tennessee Association of Radio-telephone Utilities, and the United States Independent Telephone Association (USITA). With the exception of Telocator, which opposed our proposal, those filing comments expresed qualified approval of our proposal. Because Telocator submitted the most extensive comments, which included all the issues raised by others, we will concentrate on its filing.

4. Telocator first argues that the Commission has no legal authority to adopt this proposal. Reasons given are that Section 308(b) of the Act provides that an application set forth the frequencies desired to be used, and Section 309 allows the Commission to grant or designate an application, but does not give authority to change the application. However, Telocator says that it will not press this position at this time although it expressly reserves the right to pursue it later.

5. Telocator next contends that any rule of this sort is unneeded. First, it says few Domestic Public Land Mobile Radio Service (DPLMRS) applications require a comparative hearing. In addition, in cases where applications are electrically mutually exclusive and there are other satisfactory frequencies available, Telocator maintains that amendments to resolve the situation are the rule. Where such a solution is possible and is not chosen, Telocator states that there is a prima facie "strike" question and that a hearing would be necessary on that issue in any event. Finally, Telocator asserts that often alternate frequencies that are open are not satisfactory. For example, the licensee of one or more VHF frequencies may want another channel in that band to obtain the benefits of trunking, and so may not be interested in a UHF frequency. Similarly, the licensee of a low-band paging frequency may seek a VHF paging channel for tone-and-voice paging because it believes that its superior propagation characteristics make it preferable to a second low-band frequency. In addition, usage of surrounding frequencies may make one of several open frequencies superior to the others because it is less restricted. If the Commission were to decide, without a hearing, how to apportion open frequencies, Telocator asserts that it would be making business and engineering judgments that should be left to applicants.

6. Without addressing the legal arguments raised by Telocator, we believe that Telocator has raised some valid policy issues with respect to the frequencies currently allocated for two-way service or paging. The environment in the DPLMRS has changed materially since we released our *Notice of Inquiry and Notice of Proposed Rulemaking* in 1976. There are fewer markets where available and equivalent frequencies exist which could be applied for by applicants, or could be assigned by the Commission, to eliminate frequency conflicts. In addition, we have initiated a rulemaking proceeding regarding allocation of spectrum in the 928-941

MHz band in which we propose that the Commission assign channels for paging frequencies to applicants, rather than have applicants apply for specific frequencies, in an attempt to avoid electrical conflicts and minimize processing delay.[1] We believe that it would be more appropriate to thoroughly consider the merits of the Commission's assigning particular channels in the 928–941 MHz Band before extending the policy to channels available for both two-way and paging service. In view of the foregoing, we believe that the problem associated with adopting this proposal for existing frequencies outweigh the benefits. Therefore, we are closing this portion of this docket. However, this issue will be considered in our rulemaking proceeding regarding paging in the 928–941 MHz band.

Objective Standards

7. We initiated our Notice of Inquiry with the intention of seeking numerical standards to be used in evaluating the need showings in applications for an initial two-way frequency, applications for additional two-way frequencies and for renewal applications.[2] We now propose to eliminate our present requirement that an applicant demonstrate a public need for service prior to receiving authorization for one initial two-way channel in a given area.[3] Need showings for one initial frequency often provoke petitions to deny that delay service, while amendments to the applications almost always cure any deficiencies noted in the petitions. Given the undisputed fact that the assignable frequencies are seriously crowded—so much so that it has prompted us to initiate a proceeding to allocate more spectrum to these services, *see Docket 79–318*, released January 8, 1980—elimination of a need requirement should not result in an assigned frequency going unused. For similar reasons, we no longer propose to apply traffic loading standards to the public need showing required with a license renewal application. Our review of existing renewal procedures convinces us that they adequately protect against waste of spectrum.[4]

Whether or not an application for license renewal is contested, the Commission may deny it if the applicant is not meeting a public need in its service area. In addition, requiring a need showing in renewal applications is often unnecessary because a carrier in an area where there is an insufficient need for mobile service would presumably have an incentive to discontinue service, especially where the carrier operates on only one frequency.

8. We continue, however, to propose that objective need standards govern applications requesting more than one new two-way channel and applications for additional channels to an existing system. Comments on this issue were submitted by the American Telephone and Telegraph Company (AT&T), Florida Radio Telephone Association, Inc., GTE Service Corporation (GTE), Illinois Association of Radiotelephone Systems, Inc., the National Association of Radiotelephone Systems—now Telocator Network of America (Telocator), Radio Relay Corporation, Tennessee Association of Radiotelephone Utilities, and the United States Independent Telephone Association (USITA). Reply comments were filed by AT&T.

9. AT&T commented that there are too many variables in the way mobile customers use their services for any one number reflecting channel usage to be an accurate, nationwide measure of public need. AT&T criticized the use "number of units" authorized to receive service as the criterion, without considering how frequently the subscriber calls, how long the calls last, and when they take place. We agree that the mere number of units authorized would not accurately forecast channel congestion. AT&T next considered a "grade of service" criterion, i.e., the probability that a customer's calls, during the busy hour, would be blocked because all channels are busy. However, it concluded that no one criterion could reasonably be applied to all systems because of differences in various local conditions. For example, heavily congested urban areas may tolerate a relatively poorer grade of service than would localities where additional channels are readily available. AT&T also considered as a criterion the percent of time existing channels are occupied (occupancy rate). However, it concluded again that no one number can be used universally because, for a given grade of service, the occupancy rate will vary with the number of channels in the system. For example, assuming a .25 grade of service (i.e., where one call in four will be blocked), a four-channel system can accommodate an occupancy rate of 58% but an eight-channel system can accommodate an occupancy rate of 58% but an eight-channel system can accommodate an occupancy rate of over 70%.

10. Telocator contended that adequate loading criteria cannot be established without adequate information as to the economic characteristics of the RCC industry and its competitors, information that does not presently exist. It also pointed out that additional channels may be requested in order to provide "essentially the same kind of service as on existing channels, but in a fundamentally different way." This, it says, may raise different public interest issues which are difficult to quantify. It requested the Commission to defer action until more data is available.

11. USITA contended that no objective criteria can replace judgment in deciding where the public interest lies because of the almost infinite number of differences between system requirements, such that fixed criteria may produce nothing more than waiver requests.

12. GTE alone offered specific criteria. Its suggestion was that either of the following be considered to constitute a *prima facie* showing of need for an additional channel:

(a) More than 50 units operating on a particular frequency.

(b) Channel occupancy of 50% [during the busiest hour] as measured in accordance with Section 22.516. This is based on a service objective of no more than 20% of busy hour calls encountering a delay of 10 seconds or longer.

13. In the only reply comments we received, AT&T stated that adoption of either of GTE's suggestions would be inadvisable. As to the GTE suggestion regarding a number of units, AT&T repeated its previous objection that this factor is inadequate because it fails to consider customer calling patterns. As indicated in paragraph 9 above, we agree with AT&T on this issue. With regard to channel occupancy or service objective, AT&T again pointed to variations depending on the number of channels in use. It concluded that no one number can be applied to all systems, and that adoption of such a number would not serve the public interest.

14. We fully appreciate the force of the arguments summarized above. However, the large demand for a small amount of spectrum and the

[1] *See General Docket No. 80–183*, released May 8, 1980, Mimeo 27310. We elected to consider a set assignment of channels in the 928–941 MHz band because all such channels appear to be rather equally advantageous to applicants and because no channels in that band have yet been assigned. All channels will be for paging and all have approximately equal propagation characteristics.

[2] Need showings required for paging frequencies are being addressed in *General Docket No. 80–183*.

[3] We took this same approach in *General Docket No. 80–183*.

[4] Our Rules provide that radio common carriers submit a showing of the number of customers receiving various types of service when renewal applications are filed.

disproportionate administrative burden require that we establish some benchmark to determine need for new and additional channels, even an imperfect one. Where objective standards are lacking, the alternative is subjective treatment of applications and uncertainty to applicants as to what is required of them. Objective standards are essential if we are to serve the public with long-run consistency and evenhandedness. In addition, the number of applications in the DPLMRS has steadily increased over recent years, and promises to continue to grow and thus increase our workload. In particular, we have recently proposed to allocate 50 additional channels for paging.[5] These additional frequencies will lead to a multitude of applications requesting additional facilities containing need information which could add considerably to our workload. Although we propose in our paging proceeding that need be presumed for an initial paging frequency, for each additional channel the licensee would be required to justify its request by submitting loading studies as required by Section 22.516 of the Rules.[6] Objective need standards will also prove useful in assisting applicants by providing them with a clearer understanding of the need showings required before various types of applications can be granted.

15. For the reasons set forth above, we propose to adopt objective need standards for applications requesting multiple-channel new facilities and for applications requesting additional channels for an existing system. Accordingly, we invite comments on the proposed objective need standards set forth, *infra*, and on the proposed definitions and procedures to be used in applying the proposed need standards, also set forth below. We also invite further comments on the general subject of objective need standards for DPLMRS applications and solicit recommendations for alternative standards.

I. Definitions

16. We propose to apply the following definitions in determining how many channels for which an application requesting additional frequencies or multiple initial frequencies has demonstrated a need:

A. Busy hour.

1. Fixed busy hour. That hour, among the 12 reported per Section 22.516, in which the average number of minutes of occupied time (defined below) reported over three days is the largest.

2. Bouncing busy hour. The average of the busiest hour (most minutes of occupied time) on each of the three days for which traffic loading data are reported per Section 22.516 of our Rules. While a fixed busy hour must be the same hour on each of the three days (e.g., 2:00 PM—3:00 PM on days numbered 1, 2, and 3), a bouncing busy hour can include a different hour from each of the three days (e.g., 2:00 PM—3:00 PM on day 1, 1:00 PM—2:00 PM on day 2, and 4:00 PM—5:00 PM on day 3).

B. Occupied Time. The total number of minutes per hour that a channel is in use.

C. Blocked Call. A call which cannot be completed immediately because all channels are busy.

D. Grade of Service. The probability that a call during the busy hour will be blocked.

E. Trunk Group. A group of channels accessible to all mobile units served by that group. A trunk group can include as few as one channel. For example, consider a radio common carrier base station of one call sign transmitting on base frequencies 152.060, 454.025, 454.050 and 454.075 MHz. A state-of-the-art transceiver usually cannot transmit or receive at the 454 MHz frequencies if it is equipped to transmit a frequency 152.060 MHz. In such a case, we consider that there is one trunk group serving units equipped for frequency 152.060 MHz, which we will here call group A. However, a mobile transceiver equipped for frequency 454.025 MHz may well be equipped also for 454.050 MHz and 454.075 MHz, but not frequency 152.060 MHz. If a group of units is equipped with such transceivers, we consider that there is another trunk group, group B, consisting of channels 454.025, 454.050 and 454.075 MHz. Thus, for purposes of computing load, an application for a DPLMRS mobile license serving mobile units so equipped will have its facilities studied as two groups, A and B.

F. System. A system consists of one, and only one, trunk group. A given call sign may be licensed for several systems (trunk groups).

G. Held Order. This is a firm commitment for service. In the case of an application seeking additional frequencies for an existing system, held orders normally consist of the names of persons on a waiting list for service, or the equivalent. In the case of an application for new frequencies, held orders normally consist of written, signed (but non-binding) requests for service, or the equivalent. Applicants need not initially provide the particular names of persons that placed held orders, but we may later request such information on an as-needed basis.

H. Erlang. The amount of traffic carried by one channel busy 100 percent of the time.

I. Erlang C Tables.[7] Tables relating the number of trunked channels, grade of service, and Erlangs. For examples, the tables show that there is a .18 grade of service for the system generating .70 Erlang and operating on one trunk group of two channels.

II. Proposed Standards for Applications for Additional Channels

17. We propose to limit the number of additional (or initial) channels which can be granted to an applicant at any one time in any given market to four. This is because, as explained below, our procedures for determining expected channel usage necessarily are based on patterns of usage within the industry and, where applicable, on the applicant's prior experience. Thus, we can only estimate the actual usage of the proposed facilities. Although we have confidence in these procedures, the greater the number of additional (or initial) channels granted at any one time, the less accurate they become and the greater is the possibility that their use may result in spectral inefficiency. As a result, we believe that by limiting the number of additional (or initial) channels which can be granted at any one time to four, we can utilize the best loading indicators available without presenting an undue risk of spectral inefficiency. In addition, we will entertain waiver requests where the facts and circumstances surrounding a particular application are so unique that the public interest requires a grant of more than four channels.

18. Applications for additional channels, up to a maximum of four, will be granted as follows:[8]

(a) No additional channels will be granted unless the application shows that the system's existing grade of service is .40 or greater; and

[5] *See General Docket No. 80-189*, released May 5, 1980, and *General Docket No. 80-183*.

[6] *See General Docket No. 80-183*.

[7] The tables are based on the Erlang C Formula. One source for that formula is "Introduction to Teletraffic Engineering," Ramses R. Mina, Telephone Publishing Corporation, 53 W. Jackson Blvd., Chicago, Illinois 60604. A copy of these tables is available for review at the Mobile Services Division upon request. *See Public Notice No. 05411*, released December 31, 1980.

[8] If the proposed service area and type of service are not substantially the same as those existing, the channels requested will be treated as new rather than as additional channels. Applications are considered to be requesting initial channels if less than 50% of the proposed contour overlaps an existing contour, or if the proposed service area contour includes a major market area not included within the existing contour.

(b) If an application shows that an existing system's existing grade of service is .40 or greater and that an existing system's projected or existing grade of service is .50 or greater, the minimum number of channels necessary to reduce that level below .50 will be granted. In addition, if the grade of service level resulting from such a grant would be in the .25 to .50 range, the application has justified one or more additional channels, provided that such a grant would not reduce the grade of service below .25.

19. The following procedures shall be followed in order to determine the grade of service discussed in paragraph 18 above:

(a) If the existing system serves both one-way signaling units and two-way units, separate Section 22.516 data shall be submitted for each. Data for one-way tone-only signaling units need not be separated from data for one-way tone-plus-voice signaling units unless the applicant anticipates that the ratio of one-way tone-only signaling units to one-way tone-plus-voice signaling units in the proposed system will be significantly different from the ratio in the existing system.[9]

(b) For each Section 22.516 submission, the bouncing busy hour occupied time of a system shown by the 22.516 study shall be divided by the number of units in the system to derive a basic reckoning factor for projecting traffic in a proposed system. This reckoning factor shall be in minutes per unit (MPU), i.e., the time a system is on the air during the busy hour divided by the number of units presently authorized to use that system.

(c) A unit shall be considered as generating traffic in a proposed system if it falls into one of three categories.[10]

(1) Present subscriber units.

(2) Subscriber units for which there are held orders,[11] and

(3) Subscriber units projected through the use of a valid statistical survey.[12]

(d) The number of units included in paragraph 19 (c)(2) and (c)(3) above shall be discounted by 20%. This is done because we realize that not all persons included in these categories will actually subscribe to the service proposed.

(e) The MPU shall be multiplied by the total of the units included in (c) above, as discounted, and divided by 60 to estimate, in Erlangs, the expected traffic in the proposed system.[13]

(f) Referring to Erlang Table C, the expected grade of service level shall be calculated for systems with each of the requested numbers of channels and a determination shall be made as to the number of channels justified.

For example, consider an application submitted by an existing carrier with a five-channel system which proposes to add three channels to the system. Assume that the existing system has 300 present subscribers and that the applicant has shown that there are 75 additional requests for service. Assume further that the traffic loading studies presented with the application show total loading on the five existing channels of 240 minutes during the peak busy hour (i.e., an average of 48 minutes per channel). In this situation, the current subscribers are using the system for an averge of 0.8 minute (i.e., 240 ÷ 300) per unit during the peak busy hour. They are thus generating .0133 (i.e., 0.8 ÷ 60) Erlangs per unit. The number of expected additional subscribers discounted by 20% equals 60 (i.e., 75 × .80). We assume that these 60 additional subscribers will desire to use the system at the same rate as existing subscribers and that we can expect that the proposed system will carry 4.8 Erlangs (i.e., 360 × .0133). Reference to Erlang Table C shows expected grade-of-service levels of .90 with five channels, .52 with six channels, .28 with seven channels, and .14 with eight channels. By applying our proposed standards, the applicant warrants two additional channels, i.e., a total of seven. These two additional channels (total of seven) are necessary to bring the expected grade-of-service level below .50. However, a third additional channel (eighth overall) is not warranted because such a grant would bring the expected grade-of-service level below .25.

III. Proposed Standards for Applications Requesting More Than One Channel in a New System

20. We propose to determine the number of new channels, up to a maximum of four,[14] warranted by a multiple channel request for new facilities in the DPLMRS as follows:

An applicant has demonstrated a need for the minimum number of channels necessary for the expected grade-of-service level to be less than .50.

21. The following procedures shall be followed in order to determine the expected grade of service as discussed in paragraph 20, above:

(a) Applicants shall submit data on the number of units expected to receive service. Units shall be considered only if the applicant has held orders for them or if they are projected from a valid statistical survey, as set forth in paragraph 19(c), above. The units shall be broken down by two-way, tone-only one-way signaling, and tone-plus-voice one-way signaling.

(b) Each two-way unit identified in (a) above will be presumed to generate .9 MPU of traffic. Our position on this matter is based on our review of traffic loading studies including in applications recently filed.[15]

(c) Each one-way tone-only signaling unit will be presumed to generate 0.0417 MPU of traffic. This is based on the assumption that each unit will generate 0.5 five-second calls during the busy hour.[16]

(d) Each one-way tone-plus-voice signaling unit will be presumed to generate 0.167 MPU of traffic. This is based on the assumption that each unit will generate 0.5 twenty-second calls during the busy hour.

(e) The traffic expected to be generated in the system shall be calculated, in Erlangs, by summing the MPU's discussed in (b), (c), and (d), above, discounting the sum by 20% because not all these units will actually subscribe, and then dividing by 60.

(f) Referring to Erlang Table C, the expected grade of service levels shall be calculated for systems with each of the requested number of channels, and a

[9] Absent such a situation, we will presume that the ratios of tone-plus-voice to tone-only in the existing and proposed systems will be approximately the same.

[10] We are aware that the above proposed objective standard does not expressly factor in the number of "roamers" receiving transient service on the system. However, in effect, the proposed standard allocates loading due to roamers among all mobile units in the present system, and assumes that traffic due to roamers will increase proportionately to the number of units in the proposed system.

[11] Held orders are defined in paragraph 16(G), *supra*.

[12] Here applicants would be expected to obtain a number of held orders for service from a sample of respondents and then to project that need onto a larger universe, using generally accepted survey techniques.

[13] If the existing system does not provide service to the same type of units as the proposed system is expected to (i.e., two-way, one-way tone-plus-voice, and one-way tone-only), it will not be possible to determine the actual MPU for all types of units. In these situations, multiply the estimated MPU discussed in paragraph 21, *infra*, by the nunber of units expected to receive service under the proposed system which are not receiving service under the existing system.

[14] See paragraph 17, *supra*, for an explanation regarding why we limit the number of initial channels that can be granted at any one time.

[15] All data used in the preparation of this Notice is available for review at the Mobile Services Division. *See Public Notice*, Mimeo 31774, released May 28, 1980.

[16] The applicant should advise us if it intends to provide tone-only paging on a subaudible basis only.

determination shall be made as to the number of channels justified.

For example, consider an application for four new channels with a survey showing, after discount, a need for 120 two-way units; 180 tone-plus-voice units; and 72 tone-only units. We can expect these units to generate 141 MPU, i.e., (120×.9=108 MPU)+(180×.167=30 MPU)+(72×.0417=3 MPU). This usage converts to 2.35 Erlangs (i.e., 141 MPU÷60 min.=2.35 Erlang). Reference to Erlang Table C shows the expected grade of service levels to be 1.00 with one or two channels, .62 with three channels, and .27 with four channels. By applying our proposed standards, the applicant warrants four new channels. Four is the minimum needed to bring the expected grade of service level below .50.

22. Although in paragraphs 18–21 we have set forth the standards and showings required to justify new or additional channels, the staff will, in reviewing applications, consider the utilization of all systems of a licensee in the same area, and other data furnished by the applicant. In this regard, Section 22.516(b) of the Commission's Rules requires that an applicant for additional channels submit data showing actual traffic loading on each channel assignment of all existing systems in the same area.

23. We invite comments on the above proposal for objective standards, including but not limited to:

(a) Whether a fixed busy hour or a bouncing busy hour should be the basis for projecting traffic in the proposed system;

(b) Whether Erlang C tables, or other tables or algorithms such as Erlang B, Poisson, or delay tables would be better suited in estimating the grade of service; and

(c) Whether need showings for initial two-way channels should be eliminated.

24. Pending the conclusion of this rulemaking proceeding, we will follow the objective need standards presented in paragraphs 18 and 20, *supra*, on an interim basis.[17] Regarding those standards, this rulemaking is largely a formalization and clarification of existing procedures. The experience gained from using these standards will assist us if, as now seems likely, objective standards are adopted on a longer term basis.

25. The Commission has determined that the rules proposed in this Notice of Proposed Rule Making would, if adopted, have a significant economic effect on a substantial number of small entities. Pursuant to Section 603 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the following analysis is submitted: These rules are being proposed in order to give greater clarity to the Commission's processing standards with respect to need showings for new or additional frequencies allocated for two-way or paging service in the Domestic Public Land Mobile Radio Service. The proposed rules will apply to all wireline and nonwireline applications for facilities allocated for two-way and one-way service. The proposed rules will apply to approximately 1,000 applications per year. These applicants will in all likelihood find their regulatory burden eased by the proposal; i.e., the proposal specified in detail the procedures which are currently in use for demonstrating local need. In the case of applications for a first channel, the need showing requirement would actually be eliminated. The projected reporting and record-keeping requirements of the rules are the same (except for those which will be eliminated) as those presently used by applicants. The same level of engineering and other technical skills will be required as is presently necessary to properly submit an application in these radio services.

26. The Commission could take the alternative approach of proposing that smaller businesses be exempt from the proposed rules. This approach, however, would mean that those exempted entities must continue to submit need showing for a "first channel" application. This requirement is a significant financial and administration burden on small businesses. The Commission's proposal would eliminate this regulatory burden. The proposed rules also establish objective standards to be used by applicants when they request additional channels. These standards will streamline administrative procedures by clearly delineating what an applicant is expected to submit in a need showing. To exempt small businesses from the proposed rules would not establish an easier standard for receiving an additional channel but would merely eliminate the element of clarity as to what small businesses must do to qualify for an additional channel. In other words, to exempt small businesses from the proposed rules would not ease the impact on these entities but instead would perpetuate the adverse economic impact which small business entities currently undergo in demonstrating local need for a channel in these radio services.

27. The Commission also considered the alternative of exempting small businesses from all loading standards. This approach, however, would conflict with the Commission's goal (in this proceeding and in general) of promoting efficient use of the spectrum. Instead the Commission opted for lessening the regulatory burden on small business entities by clarifying loading standards (which were designed to ensure spectral efficiency) and eliminating need showings for the first frequency requested.

28. Interested parties are encouraged to submit written comments or views concerning the adoption of objective need criteria to the Federal Communications Commission, Washington, DC 20554. Please submit an original and five copies of all comments in accordance with Rules Section 1.419. Comments should be submitted by April 7, 1981. Reply comments should be submitted by May 7, 1981. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which address the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its

[17] We will not, however, presume a need for an initial two-way channel as proposed in paragraph 7, *supra*, prior to the conclusion of this proceeding.

decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554, (202) 632–7000.

29. For further information concerning this proceeding contact John V. Buscemi, (202) 632–6450.

30. Authority for this rulemaking is contained in Sections 4 and 303 of the Communications Act of 1934, As Amended, 47 U.S.C. 154, 303, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

31. It is ordered, That a copy of this *Further Notice of Proposed Rulemaking* shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7306 Filed 3-6-81; 8:45 am]

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47 CFR Part 25

[CC Docket No. 80-584; RM-3304]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska; Order Extending Time for Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: This action extends time for filing reply comments in a rulemaking involving Commission policies governing the ownership and operation of domestic satellite earth stations in the Bush communities of Alaska. Extension was granted because of the difficulties in preparing replies caused by communications problems between Alaska and Washington counsel.

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

ADDRESS: Submit reply comments to the Federal Communications Commission Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert A. Mazer, Common Carrier Bureau, (202) 632–5930.

In the matter of policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska, CC Docket No. 80–584 (RM–3304), (46 FR 3250).

Order Extending Time for Filing Reply Comments

Adopted: February 26, 1981.

Released: February 27, 1981.

By the Chief, Domestic Facilities Division:

1. The Commission herein considers the unopposed requests of the National Telephone Cooperative Association (NTCA) and the Alaska Public Utilities Commission (APUC) for extensions of time to file reply comments in the above-captioned proceeding. NTCA has requested a 30 day extension, while APUC has requested a 15 day extension. Both parties argue that the extension of time is necessary because of the difficulties in preparing their replies caused by communications problems between Alaska and Washington counsel.

2. Accordingly, in order to insure a full and responsive record in this proceeding, and pursuant to §§ 0.291 and 1.46 of the Commission's rules, we hereby extend the time to file reply comments in the above-captioned proceeding 30 days or until April 2, 1981.

Federal Communications Commission.

James R. Keegan,

Chief, Domestic Facilities Division.

[FR Doc. 81-7307 Filed 3-6-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 81-109; RM-3697]

FM Broadcast Stations in Eagle River and Anchorage, Alaska; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Class C Channel 298 either to Anchorage or to Eagle River, Alaska, in response to a petition filed by Lynn Blair.

DATES: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

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

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Eagle River and Anchorage, Alaska), BC Docket No. 81–109, RM–3697.

Adopted: February 24, 1981.

Released: March 4, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* A petition for rulemaking [1] was filed by Lynn Blair ("petitioner"), proposing the assignment of Channel 298 to Eagle River, Alaska, as that community's first FM assignment. No comments have been filed opposing the assignment.

2. *Community Data:*

(a) *Location:* Eagle River is located in Anchorage County, 25 kilometers (15 miles) east of Anchorage, Alaska.

(b) *Population:* Eagle River, 2,437; Anchorage Census Division, 124,542; Anchorage, 48,029.[2]

(c) *Local Aural Broadcast Service:* Eagle River has no local aural broadcast service; Anchorage has six commercial FM assignments.

3. *Economic Considerations:* Petitioner states that Eagle River is one of the fastest growing communities in Alaska. Eagle River's population expanded from 130 in 1960 to 2,400 in 1970. According to petitioner, the 1980 Census is expected to show more than a doubling in population, reaching 5,300 persons. Even this figure, petitioner argues, is conservative, suggesting that 7,500 may be more accurate. Eagle River serves as the trading and educational hub for a number of smaller, more rural communities. Ranching and farming play important roles in the area's economy, while the largest employer is the school system. Petitioner emphasizes that while Eagle River is geographically close to Anchorage, it has its own, independent, rural character and distinct needs that are not met by stations serving the urban Anchorage community.

4. *Preclusion Considerations:* A preclusion study done by the petitioner indicates that the assignment of Channel 298 will cause preclusion on Channel 295 within 65 miles, Channel 296A within 65 miles, Channel 297 within 150 miles, Channel 298 within 180 miles, Channel 299 within 150 miles, and Channel 300 within 65 miles. Petitioner notes that there are no alternative channels available for the precluded communities with populations of 1,000

[1] Public Notice of the petition was given on July 7, 1980, Report No. 1238.

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

or more within 65 miles (a list of communities was provided).

5. *Other Considerations:* Our established policy is to reserve Class C channels for large urban areas, a category into which, even petitioner emphasizes, Eagle River clearly does not fall. Nor does petitioner provide support for the request by demonstrating the existence of any new first or second service to any area. Moreover, given the proximity of Eagle River to the much larger city of Anchorage (pop. 48,029), we must question which city the proposed Class C facility would actually serve. Petitioner asserts that she intends to serve Eagle River and the surrounding rural communities which greatly need service not provided by the Anchorage stations, but the Commission's past experience has been that the inevitable consequence of utilizing a high powered facility to serve a suburban community is to seek advertising from and provide service to the larger city. We do not have information regarding petitioner's proposed transmitter site which could serve to diminish our concerns. The inference we must draw at this point is that a Class C assignment to this area would probably become an Anchorage station, regardless of petitioner's stated intent. See *Albuquerque, New Mexico and Alameda, New Mexico,* BC Docket No. 80–160, 46 FR 10724, published February 4, 1981. Thus, we believe that Anchorage may be the more appropriate location to propose for the assignment. The 15-mile rule, Section 73.203(b), could be utilized to permit the filing of an application to serve Eagle River if petitioner should persist in her desire to be licensed there. We are also proposing a Class A channel for Eagle River since we believe it to be a more appropriate assignment for a small rural community. Petitioner should address all of these considerations in her comments, and should note that although it is not required to specify a proposed transmitter site at this stage, only by doing so could the Commission be given a basis to justify a Class C assignment to Eagle River, as petitioner's stated intent is to serve Eagle River rather than Anchorage. See *Communications Investment Corp. v. F.C.C.,* No. 78–7515 (D.C. Cir. Jan. 21, 1981) at 30–31.

6. In view of the foregoing, we find it in the public interest to explore the possible assignment of Channel 298 to Anchorage or Eagle River, Alaska, or Channel 285A to Eagle River, Alaska. Accordingly, we propose the following alternative revisions in the FM Table of Assignments (Section 73.202(b) of the Rules) with respect to the communities listed below:

City	Channel No.	
	Present	Proposed
ALTERNATIVE I		
Anchorage, Alaska	263, 267, 271, *276A, 281, 288A, and 293.	263, 267, 271, *26A, 281, 288A, 293, and 298.
OR ALTERNATIVE II		
Eagle River, Alaska		285A.
OR ALTERNATIVE III		
Eagle River, Alaska		298.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-6712 Filed 3-6-81; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-107; RM-3690]

FM Broadcast Station in Selmer, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Channel 288A to Selmer, Tennessee, in response to a petition filed by James E. Wolfe, Jr.

DATES: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Kathy A. Grant, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Selmer, Tennessee), BC Docket No. 81-107, RM-3690.

Adopted: February 24, 1981.

Released: March 2, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making [1] filed by James E. Wolfe, Jr. ("petitioner"), requesting the assignment of Channel 288A to Selmer, Tennessee, as that community's first FM assignment. No comments were filed opposing the assignment.

2. Selmer (pop. 3,495),[2] seat of McNairy County (pop. 18,369), is located approximately 123 kilometers (80 miles) east of Memphis, Tennessee. It is currently served by daytime-only AM Station WDTM.

3. Petitioner states that Selmer's major industry is crop production, it being located in one of the richest agricultural areas of Tennessee.

4. An assignment of Channel 288A to Selmer would require a site restriction of at least five miles northwest of the community because of the operation of Station WLAY on Channel 288A in Muscle Shoals, Alabama.

5. After careful consideration of the proposal, the Commission believes it to be in the public interest to consider the assignment of Channel 288A to Selmer, Tennessee. Accordingly, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to the listed community, as follows:

City	Channel No.	
	Present	Proposed
Selmer, Tenn.		288A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makings to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathy A. Grant, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a messager (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 3.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a

[1] Public Notice of the petition was given on July 7, 1980, Report No. 1238.

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

different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rule and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petititoner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-7304 Filed 3-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-108; RM-3689]

FM Broadcast Station in Newberry, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class A FM channel to Newberry, South Carolina, in response to a petition filed by Service Radio Company, Inc. The proposed assignment could provide a first FM broadcast service to Newberry.

DATE: Comments must be filed on or before April 27, 1981, and reply comments on or before May 18, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments FM Broadcast Stations, (Newberry, South Carolina), BC Docket No. 81-108, RM-3689.

Adopted: February 24, 1981.

Released: March 3, 1981.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making[1] filed by Service Radio Company, Inc., ("petitioner"), proposing the assignment of FM Channel 292A to Newberry, South Carolina, as the community's first FM assignment. Supporting comments were filed by the petitioner, stating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Newberry (population 9,218),[2] seat of Newberry County, (population 29,273) is located approximately 65 kilometers (40 miles) northwest of Columbia, South Carolina. It is served locally by full-time AM Station WKMG.

3. Petitioner states that the economy is based on local government, local industry and several small factories. It further states that Newberry has a biweekly newspaper and cable television service.

4. A site restriction of 11 kilometers (7 miles) northwest of Stations, WKET, Toccoa, Georgia (Channel 291) and WYMX, Augusta, Georgia (Channel 289). Petitioner should furnish information demonstrating that a transmitter site located at this distance could provide a 70 dBu signal over the community.

5. In view of the fact that the proposed assignment could provide Newberry with its first local FM broadcast service, the Commission believes it appropriate to propose amending the FM Table of Assignments § 73.202(b) with regard to the following community:

City	Channel No.	
	Present	Proposed
Newberry, S. C.		292A

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Public Notice of the Petition was given July 7, 1980, Report No. 1238.

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

7. Interested parties may file comments on or before April 27, 1981, and reply comments on or before May 18, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-7303 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

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

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Approval of Affirmative Action Plan for Employment and Procurement Activities

On February 25, 1981, the Federal Inspector, John T. Rhett, approved Pacific Gas Transmission Company's (PGT) affirmative action plan for employment and procurement activities on its segment of the Alaska Natural Gas Transportation System (ANGTS).

On May 12, 1980, the Equal Opportunity Regulations (43 CFR Part 34) for ANGTS became effective. These regulations were promulgated to effectuate the requirements of Section 17 of the Alaska Natural Gas Transportation Act and Condition 11 of the President's *Decision*, which directed Federal officers and agencies to take affirmative action to insure that no person will be excluded on the grounds of race, creed, color, national origin or sex from participating in ANGTS-related activities. Subsection 34.8(a)(1), 43 CFR 34.8(a)(1), required that ANGTS project sponsors have acceptable affirmative action plans approved by the Federal Inspector.

PGT's affirmative action plan contains the following goals for minority and female employment and procurement:

Percent Goals for Contractor Construction Work Force (Prebuild)

[Number of jobs shown in parentheses]

Job category	Projected number of jobs	Black	Asian	Native	Hispanic	Female	Total minorities
Officials and Managers	25	0.6	1.0	1.0	1.0	0.7	3.6(1)
Technicians	24	.7	.9	.9	1.1	11.8(3)	3.6(1)
Clerical	10	3.3	.6	.6	.9	34.7(3)	5.4(1)
Journeyman	12	1.3	1.0	1.0	1.3	3.5	4.5(1)
Operatives	260	2.1(6)	1.0(3)	1.0(3)	1.3(4)	3.0(9)	5.4(16)
Laborers	112	4.1(5)	1.0(1)	1.0(1)	2.0(2)	1.8(2)	8.1(9)
Total	463	2.5(11)	1.0(4)	1.0(4)	1.4(6)	3.8(17)	5.9(29)

Construction Schedule and Anticipated Employment (Prebuild)

Spring and summer 1981, constitutes the peak construction period for the prebuild portion of the Western Leg of ANGTS. During this period, PGT estimates that 463 workers will be employed by its contractors and subcontractors. Employment projections for the completion phase have not been made.

Minority/Female Business Enterprise Goals (Prebuild)

Percentage Goals—10 percent of contractable opportunities for minority businesses, 1 percent of contractable opportunities for female businesses.

Dollar Goals—$2.8 million for minority businesses,[1] $300,000 for female businesses.

[1] Not reflected in these goals is the $4 million share of NANA, and Alaskan native regional corporation, in a joint venture for mainline construction between M-K River, Division of Morrison-Knudson Co., Inc. and NANA.

Timetable for Reaching MBE/FBE Goals

The MBE/FBE goals for prebuild are to be achieved by October 1, 1981. A timetable for the completion phase has yet to be established.

FOR FURTHER INFORMATION CONTACT: Mr. John Alexander, Director, Equal Employment Opportunity, Minority Business Enterprise, Office of the Federal Inspector (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Dated: March 3, 1981.

John T. Rhett,
Federal Inspector.

[FR Doc. 81-7274 Filed 3-6-81; 8:45 am]
BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

[Dockets EAS-507, 599, 600, 601, 602, 603, and 660]

Essential Air Transportation Determinations

In the matter of essential air transportation determinations of Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton and Newport News/Hampton/Williamsburg/Yorktown, Virginia; Informal Conference.

An appeals panel of the Civil Aeronautics Board will conduct an informal conference with interested parties for the purpose of discussing matters relating to the essential air service determinations contained in Board Order 80-4-177. The panel will consider the views presented at the conference when making its recommendations to the Board on the merits of the appeals.

The conference will be held at the following location and time: Friday, March 20, 1981, at 10:30 a.m., Conference Room, Byrd International Airport, Richmond, Virginia.

Date: March 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7325 Filed 3-6-81; 8:45 am]
BILLING CODE 6320-01-M

[Order No. 81-2-92]

United States-Ireland Show Cause Proceeding; Correction

The Summary Notice of Order 81-2-92, appearing at 46 FR 14025, February 25, 1981, was incorrectly numbered as 81-2-93.

Dated: March 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7326 3-6-81; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Kansas Advisory Committee; Agenda and 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 Kansas Advisory Committee to the Commission will

convene at 9:00 a.m. and will end at 12 noon, on March 28, 1981, at the Holiday Inn, Parlor Room, 424 Minnesota, Kansas City, Kansas 66101. The purpose of this meeting is to develop program planning and followup for the Wichita Police Report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Benjamin H. Day, 313 Prospect, Leavenworth, Kansas 66048, (913) 296–3469; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758–5253.

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

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7290 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and 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 Maine Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on April 2, 1981, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine. The purpose of this meeting is to discuss status of off-reservation Indians; implementation of Domestic Violence Law; and plan for study of women in non-traditional jobs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Madeleine D. Giguere, 35 Orange Extension, Lewiston, Maine 04240, (207) 780–4100; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

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

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7291 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Mexico Advisory Committee to the Commission will convene at 9:00a and will end at 6:00p, on April 3 and 4, 1981, at the Grants Branch Community College, State University, 1500 Third Street, Grants, New Mexico 87020. The purpose of this meeting is to consider civil rights issues affecting energy-implicated communities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Roberto A. Mondragon, Lt. Governor's Office, State Capitol, Room 425, Santa Fe, New Mexico 87503, (505) 827–2513; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 730–5570.

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

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7292 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and 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 Ohio Advisory Committee to the Commission will convene at 10:00 am and will end at 3:00 pm, on April 4, 1981, at the Netherland Hilton, Parlor Room C & D, Cincinnati, Ohio 45201. The purpose of this meeting is to review follow-up activities of the Cincinnati Police Report's recommendation; plan future activities for FY 1982; and organize Subcommittees and set future meeting dates.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, Ohio 44703, (216) 454–2278; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

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

Dated at Washington, D.C., March 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-7293 Filed 3-6-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Leather Wearing Apparel From Colombia; Proposal Concerning Suspension of Investigation

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Proposal Concerning Suspension of Investigation.

SUMMARY: The Department of Commerce proposes to suspend its countervailing duty investigation involving certain leather wearing apparel from Colombia. The petitioner and other parties to the investigation have been separately notified of, and the petitioner is being consulted regarding, the proposal to suspend.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Anne Hamilton, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–3963.

SUPPLEMENTARY INFORMATION: On November 12, 1980 (45 FR 74742) the United States Department of Commerce (the Department) initiated a countervailing duty investigation concerning leather wearing apparel from Colombia, currently classified under TSUS item 791.76. The scope of the investigation is to determine whether the Colombian Tax Reimbursement Program (CAT), as it applies to leather wearing apparel, is a subsidy within the meaning of the countervailing duty law.

On January 6, 1981 the Government of Colombia informed the U.S. Government that the only known Colombian exporter of such merchandise to the U.S., Confecciones Amazonas Orinoco (CAO), voluntarily renounced the receipt of the CAT Certificates on shipments of such merchandise to the United States on or after January 1, 1981. On January 14, 1981, the Department made a preliminary affirmative determination (46 FR 3255 and correction, 46 FR 7042). Since there was no exporter of leather garments utilizing the CAT program at the time the preliminary determination was made, the Commerce Department used the total percentage available under the Colombian statute for exporters of leather garments as the basis for calculating the estimated gross subsidy.

Subsequent to the preliminary determination, negotiations were conducted with CAO pertaining to the possibility of an agreement which could

form the basis for a suspension of the investigation.

As a result of those negotiations, CAO proposed that it would renounce receipt of any future CAT certificates on products covered by the investigation and that at its request, the Government of Colombia would voluntarily monitor the renunciation. It was also agreed that no new or equivalent benefits will be received as a substitute for the benefits eliminated by virtue of the actions described above. CAO further agreed to notify the United States if it contemplates, or decides to change its position with respect to any of these actions and further that it would permit such verification as is deemed necessary by the Department.

The Department of Commerce has determined that the above cited actions and commitments form an appropriate basis for *proposing* the suspension of the countervailing duty investigation of leather wearing apparel from Colombia pursuant to section 704(b) of the Tariff Act of 1930, as amended (93 Stat. 154, 19 U.S.C. 1671c(b)).

The Department has informed the petitioner of the proposal for suspending this investigation, has supplied him with a copy of the proposed agreement and the petitioner is being consulted with respect to it. All other parties to the investigation also have been notified of the proposal and are being provided an opportunity to submit comments. If a suspension agreement is entered into, then a final determination will not be made in this case.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 3, 1981.

[FR Doc. 81-7294 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

Medical College of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00176. Applicant: Medical College of Wisconsin, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Optical Emissions Spectroscope. Manufacturer: V. E. B. Straton, The Netherlands. Intended use of article: See Notice on page 28389 in the **Federal Register** of April 29, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article resolves the ^{14}N ^{14}N peak at 297.68 nanometers (nm) and the ^{15}N ^{14}N peak at 298.29 nm by optical emission spectroscopy. The Department of Health and Human Services advises in its memorandum dated June 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7300 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00406. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron, VRB2113A30 SNO557D8. Manufacturer: Varian Canada, Inc., Canada. Intended use of article: See Notice on page 66829 in the **Federal Register** of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides operation in the 80 to 110 gigahertz range. The National Bureau of Standards advises in its memorandum dated December 16, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7301 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00272. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Nuclear Magnetic resonance spectrometer, Model FX 90Q. Manufacturer: Jeol Ltd., Japan. Intended use of article: See Notice on page 47892 in the **Federal Register** of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 7, 1980).

Reasons: The foreign article has a probe which observes ^{1}H, ^{13}C and ^{15}N at low temperatures (−100° to 180° C) without a change in probe. Comparable domestic instruments which were available at the time the foreign article was ordered are manufactured by Varian Associates and Nicolet Instrument Corporation. However at the time the foreign article was ordered neither provided the above feature of the foreign article. The National Bureau of Standards advises in the memorandum dated January 2, 1981 that (1) the capability of the foreign article described above is pertintent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7295 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

University of California, Los Angeles; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00337. Applicant: University of California, Los Angeles, Department of Biology, Los Angeles, CA 90024. Article: Floppy Disc System and Analog Interface. Manufacturer: Cambridge Electronic Design, United Kingdom. Intended use of article: See Notice on page 47895 in the Federal Register of July 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument at the applicant institution. The Department of Health and Human Services advises in its memorandum dated November 12, 1980 that the article is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-7299 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-25-M

Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral aand multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: March 24, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., N.W., Washington, D.C. The meeting will conclude on March 25, in Room B841, Main Commerce Building.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A Copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: March 4, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-7362 Filed 3-6-81; 8:45 am]

BILLING CODE 3710-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), its Scientific and Statistical Committee (SSC) and its

Advisory Panel (AP) will hold joint and separate meetings. The Council will also meet jointly with the Alaska Board of Fisheries.

DATES: The Council meeting will convene on Wednesday, March 25, 1981, at apporximately 9 a.m., and will adjourn on Friday, March 27, 1981, at approximately 5 p.m., at the Westward Hilton Hotel, Anchorage, Alaska. The Council and the Alaska Board of Fisheries will also meet intermittently on Wednesday, March 25, 1981, at the Westward Hilton Hotel, to discuss the King Crab and Salmon Fishery Management Plans (FMPs). The SSC will also convene its meeting on Wednesday, March 25, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m., at the Council's Headquarters Conference Room, 333 West Fourth Avenue, Anchorage, Alaska. At the same time and date, the AP will meet in the Kenai/Aleutian Room of the Westward Hilton Hotel, Anchorage, Alaska. These public meetings may be lengthened or shortened depending upon progress on the agenda.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

PROPOSED AGENDA:

Council

Special Note: Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item(s) to be addressed and the time requested. Preregistration and public comments may be scheduled for agenda items concerning old and new business, and fishery management plans. A detailed agenda will be sent to the public around March 9, 1981. The Council will hear reports on domestic and foreign catches and Coast Guard enforcement and surveillance. Discussion will focus mainly on the 1981 amendment to the Troll Salmon FMP and the final form of the King Crab FMP, as well as final considerations of the portion of amendment one to the Bering Sea Groundfish FMP, proposing a six-month closure of the International North Pacific Fisheries Commission's areas one and two to all trawling. The Council may also discuss new amendments to the Bering Sea/Aleutian Island Groundfish and Gulf of Alaska FMPs. They will also examine regulatory proposals for 1982 to the Tanner Crab FMP and discuss inconsistencies between State and Federal regulations and determine whether the FMP should be modified to minimize these inconsistencies. The Council will also consider various contracts and research proposals. The SSC and AP will discuss similar agenda items as mentioned above for the Council.

Dated: March 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7277 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94–409, notice is hereby given of a partially closed session of public meetings of the Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265). The closed session of the meetings are being held to discuss personnel matters regarding vacancies on the Scientific and Statistical Committee (SSC), and the Advisory Panel (AP). The sessions of the meetings which will be open to the public will involve review of the final fishery management plan (FMP) for the spiny lobster fishery of the Western Pacific Region; set public hearing schedule for the draft Billfish FMP, review progress of other FMPs, and review draft administrative and programmatic budgets for fiscal year 1982.

DATES: The closed session of the meetings will be held on March 31, 1981—8 a.m. to 10 a.m. The open sessions of the meetings will be held on March 31, 1981—10 a.m. to 5 p.m., and on April 1, 1981—9 a.m. to 3 p.m.

ADDRESS: The meetings will take place at the Hawaii State Capital—Lieutenant Governor's Conference Room, Fifth Floor, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608—1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 15, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). These portions of the closed meetings are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: March 4, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7278 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Public Advisory Committee for Trademark Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following Committee meeting:

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. until 5:00 p.m. on April 9, 1981, at The Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., Washington D.C.

The Committee was first established in 1970 and was reestablished in 1979 to advise the Patent and Trademark Office of steps that can be taken to increase the effectiveness of administration of the Trademark Act and to provide a continuing source of information from the private sector to the government.

The agenda for the meeting is as follows:

(1) Trademark Fees.

(2) Trademark Housekeeping Legislation.

(3) Training of Trademark Examiners.

(4) Trademark Operation Administrative Problems.

The meeting will be open to public observation; approximately twelve (12) seats will be available for the public on a first-come first-served basis. If time permits, oral comments by the public of three (3) minutes on each topic within the above agenda will be allowed. To insure proper consideration at the meeting, any comments or suggestions

relating to the agenda items should be submitted in writing before April 2, 1981. Further comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request.

Inquiries may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Please mark all correspondence to the attention of Committee Control Officer, Patricia M. Davis, Office of Trademark Program Control, Room CP2-3D23. Telephone: 703-557-3881.

Dated: February 13, 1981.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Dated: February 28, 1981.

Approved:

Robert Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-7354 Filed 3-6-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 24, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Cruise Missile Propulsion will meet on March 25, 26, and 27, 1981 from 9:00 a.m. to 5:00 p.m. at Wright-Patterson AFB, Ohio.

The Committee will receive classified briefings on the USAF Cruise Missile Propulsion Programs. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 81-7200 Filed 3-6-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangment to be carried out under the above mentioned agreements involves approval for the retransfer of fuel spheres containing 0.0282 grams of U-233, 1.840 grams of U-235, 0.3292 grams of U-238, 0.0022 grams of plutonium, and 10.33 grams of throium from the Federal Republic of Germany to Austria for irradiation at Seibersdorf.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/AT(EU)-57 will not be inimical to the common defense and security.

This subsequent arrangment will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 3, 1981.

For the Department of Energy.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7262 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of fuel spheres containing 0.0282 grams of U-233, 1.840 grams of U-235, 0.3292 grams of U-238, 0.0022 grams of plutonium, and 10.33 grams of thorium from Austria to the Federal Republic of Germany for post-irradiation examination and subsequent waste disposal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(AT)-14 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 3, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7263 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the sale to the IAEA of 200 milligrams of plutonium enriched to 99% in Pu-239. This material is to be used for determination of Pu-239, Pu-240, and Sm-149 in nuclear irradiated fuel by non-destructive analysis for safeguards and burn-up problems in the United Nations Development Program, Cairo, Egypt.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-IA-112 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 3, 1981.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-7264 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Renewal of Charter on Consumer Affairs Advisory Committee

This notice is published in accordance with the provisions of Section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following

consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Consumer Affairs Advisory Committee has been renewed for a 24-month period ending on February 27, 1983.

The renewal of the Committee has been determined necessary and in the public interest. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), the Department of Energy Organization Act (Pub. L. 95–91), OMB Circular No. A–63 (Revised), and other directives and instructions issued in implementation of those Acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202–252–5187).

Issued at Washington, D.C. on March 4, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-7346 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Crystal Oil Co.; Action Taken on Consent Order

Pursuant 10 CFR 205.199(J), the Economic Regulatory Administratioin (ERA) of the Department of Energy (DOE) hereby give notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits public comments with respect to its terms.

On December 22, 1980, ERA published a notice of a Proposed Consent Order which was executed between Crystal Oil Company and the DOE (46 FR 5049, January 19, 1981). With that notice, and in accordance with 10 CFR 205.199(J), ERA invited interestes persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide notification to ERA.

One party has submitted a written notification of a claim to the Consent Order. ERA has concluded that the Consent Order as executed between the DOE and Crystal Oil Company is an appropriate resolution of the compliance proceedings described in the Notice published January 19, 1981, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on March 9, 1981.

Issued in Dallas, Texas, this 26th day of February, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-7261 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Petroleum Heat and Power Co., Inc.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On January 15, 1981, ERA published a Proposed Consent Order which was executed between Petroleum Heat and Power Company, Inc. and the ERA (46 FR 3593–10, January 15, 1981). With this notice, and in accordance with 10 CFR 205.199J, ERA invited interested persons to comment on the proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order. The ERA has concluded that the Consent Order as executed between ERA and Petroleum Heat and Power Company is an appropriate resolution of the compliance proceedings described in the Notice published January 15, 1981, and hereby gives notice that the Consent Order shall become effective as proposed on January 15, 1981.

Issued in Philadelphia, Pa. this 20th day of February, 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-7345 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-179-000]

Arizona Public Service Co.; Order Accepting for Filing and Suspending Proposed Rates in Part, Denying Motions To Reject, Instituting Investigation, Granting Interventions, and Establishing Procedures

Issued: February 27, 1981.

On December 18, 1980, Arizona Public Service Company (APS) tendered for filing proposed revised rates[1] for seventeen wholesale customers[2] served under fifteen rate schedules which provide for an increase in revenues from jurisdictional sales and service of approximately $14,736,554 (25.52%) based on the twelve month period ending February 28, 1982.

APS requests an effective date of March 1, 1981, for rates applicable to the Transmission Resale class customers, Plains, and Wickenburg. APS states that its contracts with PTUA, ED–1, and the Districts do not allow unilateral rate increases,[3] and therefore requests that the proposed increase become effective with respect to them as soon as permitted by Commission order under section 206 of the Federal Power Act.

Notice of the filing was issued on December 23, 1980, with comments, protests and petitions to intervene due on or before January 12, 1981. On January 9, 1981, in response to several requests for extensions of time, the Commission extended the period for filing responses to January 19, 1981.

On January 9, 1981, WWP filed a petition to intervene but did not request a hearing or other Commission action.

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[1] See Attachment A for proposed rate schedule designations.

[2] The seventeen wholesale customers are grouped as follows:

(1) *Transmission Resale:*
Citizens Utilities Company (Citizens)
Arizona Electric Power Cooperative, Inc. (AEPCO)
Arizona Power Authority (APA)
Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk)
Colorado River Indian Irrigation Project (CRIIP)
San Carlos Indian Irrigation Project (San Carlos)
Washington Water Power Company (WWP)
(2) Plains Electric Generation and Transmission Cooperative, Inc. (Plains)
(3) City of Wickenburg, Arizona (Wickenburg)
(4) Papago Tribal Utilities Authority (PTUA)
(5) Electrical District No. 1 (ED–1)
(6) *Other Irrigation Resale* (Districts):
Electrical District No. 3 (ED–3)
Electrical District No. 6 (ED–6)
Electrical District No. 7 (ED–7)
Maricopa County Municipal Water Conservation District No. 1 (Maricopa)
Roosevelt Irrigation District (RID)
Buckeye Water Conservation and Drainage District (BID)

[3] The Commission has found the Districts to be customers whose rates can be changed prospectively only upon a Commission determination of the just and reasonable rates. *Arizona Public Service Company*, i.e., orders issued August 1, 1978 and November 30, 1978, in Docket No. ER76–530. The United States Court of Appeals for the District of Columbia Circuit found that rates to PTUA and ED–1 can be changed only under section 206 of the Federal Power Act, although the court did not decide the standard of proof to be applied. *Papago Tribal Utility Authority* v. *FERC*, 610 F.2d 914 (D.C. Cir. 1979).

On January 12, 1981 Wickenburg filed a protest and petition to intervene. On January 15, 1981 San Carlos petitioned for a further extension of time to February 14 in which to file its protest and petition to intervene. The Secretary denied the petition but granted an extension to February 9, 1981. On January 19, 1981, protests and petitions to invervene were filed jointly by APA and Wellton-Mohawk, jointly by ED–1, ED–3, ED–6, ED–7, RID, and BID, and individually by Plains, Maricopa, PTUA, and Citizens. These petitioners request that the rates be rejected in whole or in part, or suspended for five months and set for hearing. The petitioners object to various aspects of APS' filing with respect to rate base, cost of service, rate design and rate of return.

On January 27, 1981, APS filed a motion for an extension of time in which to file its response to all the protests and petitions to intervene. This motion was granted and on February 10, 1981, APS filed its response.

Discussion

Initially, we find that participation by each of the petitioners is in the public interest. Consequently, we shall grant all the petitions to intervene.

Maricopa submits that APS' development of non-coincident peak demand allocation factors for allocating subtransmission and distribution costs to the irrigation customer class on the basis of the sum of the customers' individual demands instead of on the basis of the lower conjunctive class demand methodology overstates the Company's cost of service. Since we have found in the past that APS' system is fully integrated and operates as a cohesive network in moving energy in bulk,[4] we have rejected the Company's subfunctionalized approach and have expressed preference for a rolled-in procedure.[5] If the facts have changed significantly since 1976, the presiding judge may accept testimony on this issue in the hearing if it is offered.

APA and Wellton-Mohawk state that APS' Period II cost of service does not reflect an off-system sale of 50 megawatts from Cholla Unit No. 4 to Utah Power & Light Company (UP&L). In APS' transmittal letter, the Company stated that the reason for the omission was that it did not know whether the sale would be made until the date UP&L actually executed the agreement, approximately three weeks before APS' made this filing. This item shall be included in the cost of service when an in-service date for commercial operation of Cholla Unit No. 4 is determined.

PTUA moves for summary disposition of APS' revenue-credit approach with respect to the Navajo Tribal Utility Authority (NTUA), asserting that APA has failed to carry its burden of proof as to costs incurred in serving NTUA. PTUA also requests that we direct APS to recompute its cost of service and cost allocation exhibits so as to break-out and quantify its cost of serving NTUA. We note that the propriety of the revenue credit treatment of service to NTUA is an issue presently before the Commission in another docket. Therefore, we will not grant summary disposition of this issue at this time.

PTUA and Citizens challenge APS' failure to functionalize its depreciation reserve, depreciation expense, and *ad valorem* taxes using labor ratios. They cite as authority the general rule established in *Minnesota Power and Light Company*, Opinion No. 20–A, issued October 30, 1978. APS responds that the general rule in *Minnesota* can be varied by a factual showing at hearing.[6]

Most of the protestants objected to the rate of return claimed by APS in its filing. In addition, Plains moves for a phased hearing and expedited consideration of what it describes as an exhorbitant claimed rate of return. However, we have previously determined that expedited consideration of the rate of return issue is inappropriate. *Public Service of New Mexico*, order issued May 30, 1980 in Docket No. ER80–313. We perceive no circumstances in this case which would warrant departure from our existing practice.

Considering the protests by the numerous intervenors, we find that APS' rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them, in part, as ordered below.

In a number of suspension orders,[7] we have addressed the consideration underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here. Although a number of matters raised in this proceeding warrant investigation at hearing, our preliminary analysis indicates that the rates filed by APS may not produce excessive revenues. Thus, we believe that a five month suspension is unnecessary. A nominal suspension should protect the affected customers, pending the outcome of a hearing. Accordingly, except for Citizens which is discussed below, we shall suspend the rates applicable to the Transmission Resale class of customers, Plains and Wickenburg, for a period of one day permitting those rates to take effect subject to refund thereafter on March 2, 1981. The revised rates applicable to PTUA, ED–1 and the Districts may become effective prospectively only following a final Commission order in this docket.

Sierra-Mobile Issues With Respect to PTUA and ED–1

In addition to the rate-related-issues noted above, PTUA requests that the proposed increase be rejected with respect to it for APS' failure to meet the strict *Sierra-Mobile* burden of proof.[8] PTUA is joined in this request by ED–1, since ED–1's contract contains a rate change provision identical to that of the APS–PTUA contract, and ED–1 has adopted by reference PTUA's petition.

The thrust of PTUA's argument is that if a reviewing court finds that an agreement authorizes rate revisions only by an appropriate order of the Commission under section 206(a) of the Federal Power Act, the strict *Sierra-Mobile* burden of proof applies. This issue is presently before us in Docket No. ER76–530 and will be decided in that docket. In order to protect the position of all parties in the interim, the request to reject the filing will be denied, and APS' filing with respect to PTUA and ED–1 will be accepted for filing, without prejudice to the three parties' positions in Docket No. ER76–530, with the rates to become effective prospectively only following a

[4] *Arizona Public Service Company*, Docket Nos. ER76–530, *et al.*, order issued August 1, 1978.

[5] *Missouri Utilities Company*, Opinion No. 82, issued March 28, 1980.

[6] See also *Middle South Services, Inc.*, Docket No. ER79–277, Initial Decision, issued November 13, 1980.

[7] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension) *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

[8] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

Commission order determining the lawful rate to these customers.

Citizens' Motion To Reject

Citizens, for whom APS has filed a unilateral increase, moves that the proposed increase be rejected as to it. In support of its motion, Citizens states that the rate change provisions of its orginal agreement with APS dated April 2, 1971, are essentially identical to those of the APS–PTUA contract, and that any proposed rate can only become effective prospectively under section 206, with the full *Sierra* burden of proof.

APS argues that Citizen's contract, although similar in language to PTUA's, was based on a letter of intent which differentiated it from PUTA's contract, and that Citizens acquiesced in the previous unilateral rate filing. Moreover, APS argues that the terms of the prior contract are immaterial to this proceeding since Citizens has since executed a supplemental agreement which controls the instant filing and which, according to APS, clearly gives APS the right to unilaterally change Citizens' rates. Citizens strongly contests this view of the supplemental agreement.

We have been unable to resolve the numerous legal questions raised in the various pleadings regarding the APS-Citizens' contract in the limited statutory period in which we are required to act in order to suspend APS's increased rates. We shall therefore defer decision on the Citizens contract question to a subsequent order. In the interim, in order to protect the positions of all parties, we shall accept the rate increase to Citizens for filing and suspend it for five months. This suspension shall be without prejudice to a subsequent shortening of the suspension period to one day or an order requiring that the rate to Citizens be given only prospective effect from the date of Commission determination of the lawful rate, depending on our determination of the contract question.

The Commission orders:

(A) APS's rates tendered for filing on December 18, 1980, are accepted for filing with respect to the Transmission Resale class of customers except for Citizens, to Plains and to Wickenburg, and are hereby suspended for one day from the requested March 1, 1981, effective date to become effective on March 2, 1981, subject to refund pending hearing and decision thereon.

(B) APS' rates for Citizens are accepted for filing and suspended for five months to become effective, subject to refund, on August 1, 1981: *Provided, however,* That such acceptance and suspension are subject to change as a result of our determination of the Citizens contract question.

(C) APS's proposed rates tendered for filing on December 18, 1980, are accepted for filing with respect to PTUA, ED–1 and the Districts, to become effective prospectively only following final Commission order determining the lawful rates to these customers.

(D) The motions by PTA, ED–1, and Citizens to reject portions of the filing are hereby denied.

(E) All motions for summary disposition are hereby denied.

(F) Each of the petitions to intervene in this docket is hereby granted subject to the rules and regulations of the Commission: *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* That the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR, Chapter I (1979))], a public hearing shall be held concerning the lawfulness of APS' rates and charges.

(H) The Commission staff shall serve top sheets in this proceeding on or before May 4, 1981.

(I) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of tops sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(J) The secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Arizona Public Service Company, Docket No. ER81–179–000

(Filed: December 18, 1980)

Designation	Other party	Designation
Supplement No. 19 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 14 as supplemented).	Citizens Utilities Company	Rates.
Supplement No. 20 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 15).	do	Fuel Clause.
Supplement No. 10 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 8 as supplemented).	Arizona Electric Cooperative, Inc.	Rates.
Supplement No. 11 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 9).	do	Fuel Clause.
Supplement No. 2 to Supplement No. 11 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 1 to Supplement No. 11).	Wellton-Mohawk Irrigation & Drainage District.	Rates.
Supplement No. 12 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 10).	do	Fuel Clause.
Supplement No. 15 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 11 as supplemented).	Arizona Power Authority	Rates.
Supplement No. 16 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 12).	do	Fuel Clause.
Supplement No. 11 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 8 as supplemented).	Colorado River Indian Irrigation Project.	Rates.
Supplement No. 12 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 9).	Colorado River Indian Irrigation Project.	Fuel Clause.
Supplement No. 12 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 8 as supplemented).	San Carlos Indian Irrigation Project.	Rates.
Supplement No. 13 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 9).	do	Fuel Clause.
Supplement No. 4 to Rate Schedule FPC No. 74 (Supersedes Supplement No. 2 as supplemented).	Town of Wickenburg	Rates.
Supplement No. 5 to Rate Schedule FPC No. 74 (Supersedes Supplement No. 3).	do	Fuel Clause.
Supplement No. 2 to Rate Schedule FERC No. 84	Washington Water Power Company.	Rates.
Supplement No. 3 to Rate Schedule FERC No. 84 (Supersedes Supplement No. 1).	do	Fuel Clause.
Supplement No. 25 to Rate Schedule FPC No. 17 [1] (Supersedes Supplement No. 23 as supplemented).	Navopache Electric Cooperative, Inc.	Rates.
Supplement No. 26 to Rate Schedule FPC No. 17 [1] (Supersedes Supplement No. 24).	do	Fuel Clause.

[1] It is noted that APS indicates that its firm power service to Navopache Electric Cooperative, Inc. (NEC), provided under Rate Schedule FPC No. 17 (currently specifying the rates as filed in Docket No. ER79–126), will be replaced by firm power service to Ptains Electric Generation and Transmission Cooperative, Inc. (Plains), which in turn will serve NEC. APS has submitted for filing its agreement with Plains providing for such service in Docket No. ER81–239–000. Inasmuch as the Commission has not acted on APS' filing in Docket No. ER81–239–000, the firm power rates submitted in the instant docket have been designated under Rate Schedule FPC No. 17. Such rates will be redesignated as an amendment to the new APS–Plains agreement as appropriate, upon the Commission's disposition of such agreement in Docket No. ER81–239–000.

[FR Doc. 81–6989 Filed 3–6–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TC81-21-000]

Arkansas Louisiana Gas Co.; Tariff Sheet Filings

Issued: March 3, 1981.

Take notice that on February 23, 1981, Arkansas Louisiana Gas Company (Arkla), P.O. Box 21734, Shreveport, Louisiana, 71151, filed in Docket No. TC81-21-000 tariff sheets pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act to become effective 30 days from the date of filing, consisting of Sixth Revised Sheet No. 3A, Fifth Revised Sheet No. 3B, Seventh Revised Sheet No. 3C, Third Revised Sheet No. 3D, Second Revised Sheet No. 3E, Second Revised Sheet No. 3F, Second Revised Sheet No. 3G, Second Revised Sheet No. 3H, Second Revised Sheet No. 3I, Second Revised Sheet No. 3J, to its FERC Gas Tariff, First Revised Volume No. 1.

Arkla states that one purpose of this filing is to reflect the fact that Arkla permits electric utilities, whom it serves at more than one service location, to divert natural gas entitlements between plants so long as they stay within their total entitlements, and to add two special priority categories as new Priority 7 and Priority 8 which would apply only to industrial customers served under interruptible contracts directly from jurisdictional pipelines by means of new connections made after January 1, 1981. Priority 7 would apply to such requirements using not more than 3,000 Mcf of gas per day and Priority 8 would apply to such requirements using more than 3,000 mcf per day.

The purpose of adding these two "direct sale interruptible" priorities to Arkla's curtailment plan is to make provision for the possible future connection of such customers and still preserve in the higher existing curtailment priorities all customers served under "firm contracts."

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before March 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7349 Filed 3-6-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1765-4a]

Applications for Waiver of Effective Date of 1982 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Twelfth Decision of the Administrator

I. Introduction

This is the twelfth decision EPA has issued under section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), regarding applications from automobile manufacturers for waiver of the 3.4 grams per vehicle mile (gpm) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.[1]

As the introductions to the previous consolidated decisions explain, section 202(b)(1)(A) of the Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[2] The 1977 amendments to the Act, however, included a new provision allowing the Administrator of the Environmental Protection Agency (EPA), under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 gpm CO standard scheduled to take effect for the 1981 and 1982 model years.[3] However, these amendments require the Administrator to promulgate interim standards in such cases which do not permit CO emissions over 7.0 gpm.[4]

On December 8 and December 21, 1980, EPA received CO waiver applications from General Motors Corporation (GM) and Ford Motor Company (Ford), respectively. EPA previously held public hearings on these two engine families regarding waivers for the 1981 and 1982 model years and the Administrator granted waiver requests covering the 1981 model year but denied requests for the 1982 model year for these families.[5]

These manufacturers have asked me to reconsider the previous decisions denying waiver requests for the 1982 model year in light of current economic and marketing circumstances which EPA considered in the eleventh CO waiver decision. Since EPA has already held public hearings regarding these engine families, EPA issued a **Federal Register** Notice requesting comments on these applications and announcing the opportunity for a hearing if any interested parties filed such a request with EPA.[6] The scheduled hearing was

[1] The preceding decisions were published as follows: 44 FR 53376 (September 13, 1979); 44 FR 69417 (December 3, 1979); 45 FR 7122 (January 31, 1980); 45 FR 17914 (March 19, 1980); 45 FR 37360 (June 2, 1980); 45 FR 40030 (June 12, 1980); 45 FR 49876 (July 25, 1980); 45 FR 53400 (August 11, 1980); 45 FR 59396 (September 9, 1980); 45 FR 67753 (October 14, 1980); 46 FR 1590 (January 6, 1981).

[2] Regulations were promulgated on August 24, 1978, setting a CO standard of 3.4 gpm for 1981 and later model year vehicles. 43 FR 37972. 40 CFR 86.801-8(a)(1)(ii). This standard represents at least a 90 percent reduction in CO emissions from the CO standard applicable to 1970 model year vehicles.

[3] Section 202(b)(5)(C) of the Act provides, in part: "The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

"(i) such waiver is essential to the public interest or the public health and welfare of the United States;

"(ii) all good faith efforts have been made to meet the standards established by this subsection;

"(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

"(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards."

[4] As noted in previous decisions, Section 202(b)(5) of the Act requires that I make a separate assessment for each vehicle model covered by a waiver request. See, e.g., 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); 45 FR 7122 (January 31, 1980). Thus, consolidated waiver decisions generally have included separate decisions for individual engine families. EPA has distinguished among engine families primarily on the basis of engine displacement. See note 17, second consolidated decision, 44 FR 69416, 69418 (December 3, 1979).

[5] 45 FR 49876 (June 25, 1980), 45 FR 53400 (August 11, 1980).

[6] 46 FR 1590 (January 6, 1981), 46 FR 5063 (January 19, 1981). EPA has included testimony received at eight previous hearings, as well as all other

Continued

subsequently cancelled as none was requested.[7]

Comments received in response to the **Federal Register** notice announcing receipt of the application under consideration here, the materials submitted by the applicants in their waiver requests, and all other information upon which I have based my decision on these waiver requests are included in EPA Public Docket EN-80-16.[8]

This decision will address the waiver requests from these manufacturers on the basis of information from these manufacturers and from other sources.[9]

II. Summary

I am granting these waiver requests from GM and Ford for the 1982 model year for each of the two engine families in question in these proceedings. I am therefore prescribing an interim CO emission standard of 7.0 gpm for the 1982 model year for these engine families.

I have determined that the public interest benefits from granting waiver requests for these two fuel-efficient models from manufacturers with severe economic problems under the circumstances I have identified here outweigh the potential environmental benefits from denying these waivers. I have made these decisions because each of the applicants has established that it is essential to provide these manufacturers with sufficient production flexibility to improve the competitiveness of these two models under current market conditions by waiving the 3.4 gpm statutory CO standard for the 1982 model year. I have therefore determined that these manufacturers have established that the engine families in question are subject to the same circumstances that I identified in granting waivers covering the engine families at issue in my eleventh CO waiver decision.[10]

III. Discussion

A. *Available Technology and Public Interest.*

The decisions I have made here on whether to grant or deny the requested waivers turn primarily on public interest considerations involved in marketing these engine families and what technology most likely would be available to enable the engine families in question to meet the 3.4 gpm CO standard for the 1982 model year. Section 202(b)(5)(C)(iii) of the Act expressly assigns an applicant the task of establishing that effective CO control technology is not available, taking into account costs, driveability, and fuel economy.

As was the case in the previous CO waiver decisions, this decision relies on information contained in the waiver application and other information found in the public record.[11] I conculde on the basis of this information that the applicants have adequately established that the risks that could arise were I to deny these waiver requests at issue are significant enough that I must conclude that the requisite technology, considering costs, driveability, and fuel economy, is not available for the engine families in question, the GM 1.6 liter (L) and the Ford 2.3L/turbocharged engine families.

As section 202(b)(5)(C)(iv) of the Act requires, I have considered the results of NAS studies and investigations conducted under section 202(c) of the Act regarding available technology, processes, or other alternatives. The findings of the available NAS studies do not contradict my assessment regarding the availability of technology for these engine families.[12]

1. *Applicants' Positions Summarized.*

GM reapplied for a waiver for its 1982 model year 1.6L engine family, which is used in its fuel-efficient Chevette model for which GM received a waiver in the 1981 model year.[13] Ford reapplied for a waiver for its 1982 model year 2.3L/turbocharged engine family for which it received a waiver in the 1981 model year but which it did not produce for the 1981 model year.[14]

EPA previously denied waivers for both these engine families for model year 1982 because the applicants submitted insufficient information to meet the statutory criteria for receiving waivers. Both Ford and GM claim that technology is not available to enable the respective engine families to meet the 3.4 gpm statutory CO emission standard.[15] Each of these manufacturers contended that it was experiencing severe economic problems, and that granting its waiver request was essential to the public interest.[16] Each of these manufacturers also contended that its engine family was employed in particularly fuel-efficient vehicle models.[17]

2. *Waiver Applications Granted.*

After due consideration of these arguments and the information submitted in support of them, I have concluded that each of the applicants has established that the applications covering the two small-displacement four-cylinder fuel-efficient engine families in question meet the necessary statutory requirements for receiving a waiver of the 3.4 gpm statutory CO emission standard for the 1982 model year. I have reached this determination, as I did in the eleventh CO waiver decision, primarily on the basis of my conclusion that it is essential to the public interest to grant waivers to allow these manufacturers, which are experiencing significant economic difficulities, additional flexibility to improve the competitiveness of the four-cylinder small-displacement fuel-efficient models under consideration here,[18] even though in some of these cases marketable technology may be available even considering costs, driveability, and fuel economy. My decision to grant these waivers also stems from the risk that waiver denials may turn out to be partially erroneous.[19]

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information considered in deciding these seven groups of waiver applications, in EPA Public Dockets EN-79-4, EN-79-17, EN-79-19, EN-80-1, EN-80-9, EN-80-13, and EN-80-14. Those dockets have been incorporated by reference into EPA Public Docket EN-80-16 for this decision.

[7] 46 FR 9132 (January 28, 1981).

[8] The decision uses the following abbreviation:

Ford App.—Ford Application for Waiver of 1982 Carbon Monoxide Emission Standard dated December 21, 1980, for its 2.3 liter turbocharged engine family.

GM App.—General Motors Application for Waiver of 1982 Carbon Monoxide Emission Standard dated December 8, 1980, for its 1.6 liter engine family.

EPA Public Docket EN-80-16 can be found in EPA's Central Docket Section, Gallery I, 401 M St., S.W., Washington, D.C. 20460. Copies of materials in the docket may be obtained by writing to this address at Mail Code (A-130).

[9] See the discussion on my consideration of other information in the previous waiver decisions, e.g., section III(B)(C), 44 FR 69416, 69422 (December 3, 1979).

[10] 46 FR 1590 (January 6, 1981).

[11] See note 9, *supra.*

[12] Report by the Committee on Motor Vehicle Emissions by the National Research Council of the National Academy of Sciences, dated June 30, 1980. See also discussions of the applicability of earlier NAS studies in previous CO waiver decisions; e.g., 44 FR 53376, 53386 (September 13, 1979) and 44 FR 69416, 69423, 69428 (December 3, 1979). For further discussion of how the NAS findings are consistent with my determinations relating to section 202(b)(5)(c)(iii) of the Act, see, e.g., 45 FR 67753, 67756 (October 14, 1980) and 46 FR 1590 (January 6, 1981).

[13] GM App., p. 2, 3. 45 FR 49876 (July 25, 1980)

[14] Ford supp. submission, January 22, 1981, p.1., 45 FR 53400 (August 11, 1980).

[15] GM App., p. 3.4. Ford App., p. 11-2.

[16] GM App., p. 6 Ford App., p.II-2.

[17] GM App., p. 5, 6. Ford App., p. 11-2.

[18] The GM 1.6L and Ford 2.3L/turbocharged models are comparable in size and fuel economy to the Chrysler 1.6L, 2.2L, 2.6L, Ford 1.6L, AMC 2.5L and GM 1.8/2.0L models granted waivers in 46 FR 1590 (January 6, 1981).

[19] See, *International Harvester* v. *Ruckelshaus*, 487 F. 2d 615, 641, (D.C. Cir., 1973). See also, 45 FR 53400 (August 11, 1980).

reducing the competitive market position, and therefore the sales levels, which these fuel-efficient models (which are vital to these manufacturers's future viability at a time when these manufacturers are attempting to recover from their recent economic problems) could attain if these applicants were able to take advantage of the added flexibility a waiver might provide.

The applicants have provided information which indicates that these comparatively small-displacement four-cylinder engine families under consideration here are used in relatively fuel-efficient vehicles. For example, the applicants have demonstrated that the GM 1.6L and Ford 2.3L/turbocharged engine families are projected to achieve 1982 fuel economy ratings better than the 1982 Corporate Average Fuel Economy (CAFE) standards.[20] Neither of these engine families has been previously marketed under the 3.4 gpm statutory CO emission standard, either because they were not marketed in model year 1981 or because they were marketed under a waived CO standard of 7.0 gpm in the 1981 model year.[21] For this reason, these manufacturers have not had the opportunity to use production and in-use experience to improve the competitive features (specifially, cost, driveability, and fuel economy) of any of the subject engine families produced in compliance with the 3.4 gpm standard. Hence, without waivers they may have insufficient lead time or flexibility to optimize competitive features of these engine families for the 1982 model year.[22]

The flexibility which temporarily relaxing the 3.4 gpm CO standard would afford manufacturers of these fuel-efficient engine families does not by itself necessarily justify granting these waivers, particularly in those cases in which it appears that technology may be available to permit a manufacturer to market an engine family with marginally acceptable cost, driveability, and fuel economy.[23] With the waiver applications at hand, however, both of the small-displacement fuel-efficient four-cylinder engine families at issue are aimed at the future market paced by fuel economy demands and thus are extraordinarily important to the overall marketing plans of the respective manufacturers and essential to their economic recovery.[24] The manufacturers before me have provided information that indicates that each manufacturer is suffering severe economic problems at the present time.[25] Both of these manufacturers have experienced significant sales losses during the 1980 model year and extraordinary financial losses for the 1980 fiscal year.[26] These problems have resulted in significant adverse social and economic repercussions for the country, including extensive layoffs, increasing trade deficits and effects on suppliers and related industries.[27]

Granting waiver requests for the engine families at issue could allow these manufacturers the flexibility to improve the competitive marketability of some features [28] of these import engine families at a time when these financially-troubled manufacturers are depending upon successful marketing of these particular engine families in order to achieve economic recovery. Each of these manufacturers has already expended a considerable amount of cost and effort in attempting to meet the 3.4 gpm CO emission standard [29] and to retool for these more efficient models, thereby further limiting the resources they have available to otherwise improve the competitiveness of these models.[30] In light of these circumstances, I have determined that it is in the public interest to grant the waiver requests for these fuel-efficient engine families because of the risk that denial of these

[20] The Corporate Average Fuel Economy standard is 24 miles per gallon (mpg) for the 1982 model year. 49 CFR 531.5; § 502, 503, Energy Policy and Conservation Act (EPCA), Pub. L. No. 94-63, 89 Stat. 871 (1975). The individual CAFE fuel economy figure for each model is an average which is weighted 55 percent urban cycle and 45 percent highway cycle. EPCA § 503(d)(1).

Information in the record indicates that these engine families will achieve fuel economy better than the 24 mpg 1982 CAFE standard. See, e.g., the 1981 EPA Gas Mileage Guide (September 1980 edition), which lists fuel economy figures (for the urban cycle) for the GM 1.6L model of 26-30 mpg (these figures should indicate the potential urban component of the CAFE value for that model). GM projected 1981-82 combined fuel economy mileage figures of more than the CAFE standard for its 1.6/L engine family. May 8, 1980 Transcript of the fifth Public Hearing on CO Waiver Applications, p. 85. Each of the applicant projects its respective models to achieve 1982 highway fuel economy substantially better than the urban figures and a composite fuel economy figure above the CAFE standard. See, e.g., Ford Supp. Submission, January 22, 1981, pp. 1, 3. The Ford 2.3L/turbocharged 1982 development vehicles average about 25 mpg composite fuel economy.

[21] GM received a waiver for its 1.6L engine family for the 1981 model year. 45 FR 49876 (July 25, 1980). Although Ford received a waiver for its 2.3L/turbocharged model for the 1981 model year, Ford decided not to produce it in that period. 45 FR 53400 (August 11, 1980). Ford App., p. 1.

[22] Manufacturers that have successfully certified and marketed vehicle models under the statutory 3.4 gpm CO standard have the flexibility to "carry over" 1981 certification results for the 1982 model year and avoid incurring the engineering expense and effort necessary for a certification program. In addition, those manufacturers could apply their engineering efforts toward improving competitive features of these vehicles meeting the 3.4 gpm standard using the production and marketing experience. Accord, 46 FR 1590, 1593 (January 6, 1981). Specifically, Ford stated that it needed additional flexibility to market the innovative fuel efficient technology represented by its turbocharged aspiration system. Ford App., p. II-2.

[23] For example, in my previous decisions, I determined that marketable technology could become available to permit each of these engine families to meet the 3.4 gpm CO standard, even considering cost, driveability and fuel economy. See my earlier decisions on these engine families. 45 FR 49876, 49879, 49900 (July 25, 1980), and 45 FR 53400, 53409 (August 11, 1980).

[24] Ford App., Section II. GM. App., pp. 5-8. These Engine families (for which these manufacturers have applied significant resources in research, development, and retooling) make up a large and increasing proportion of the total sales of each of these manufacturers. See, e.g., Automotive News, November 3, 1980, "1980 V-8 Output Cut in Half," Joseph Bohn, pp. 1, 54; GM App., 3 (Confidential). See also, generally, U.S. International Trade Commission decision on Certain Motor Vehicles, Publication 1110, December 1980.

[25] See, e.g., the eleventh CO waiver decision 46 FR 1590, IIIA (January 7, 1980). See also, GM App., p.6. Ford App., section II.

[26] GM sales declined 22% compared to the same 12-month period last year. Wall Street Journal, December 5, 1980, p. 29, while GM reported record losses of $824 million for the last four quarters. New York Times, October 28, 1980, "Record Loss Listed by GM", Steve Lohr, p.1. Ford's production declined 29% over last year (Wall Street Journal, December 5, 1980, p. 29) and Ford also reported record losses of $1.51 billion for the last 12 months. Ford App., section II. October 17, 1980 supp. submission, section I. See also, e.g., Wall Street Journal, January 15, 1981, sec. 1, p.3, "New-Auto Sales Fell Nearly 20% In Early January." *Ward's Automotive Reports*, vol. 55, No. 51, December 22, 1980, p. 403, "Indefinite Layoffs Rise as Holidays Approach."

More recently, see, e.g., Wall Street Journal, January 15, 1981, Sec. 1, p.3, "New Auto Sales fell nearly 20% in early January"; Wall Street Journal, January 30, 1981, sec. 1, p. 4, "Ford to Idle 14,850 by suspending work at 6 Plants"; Wall Street Journal, January 26, 1981, sec. 2, p. 4, "New Car Sales Decreased 9.4% in mid January"; Wall Street Journal, February 5, 1981, sec. 1, pp. 3,4, "New Car Sales declined by 20% during January" (GM and Ford sales reported down 23% over January of last year); New York Times, February 5, 1981, sec. D, pp. 1, 5, "January 21-31 Car sales off 26%"; Automotive News, January 26, 1981, p. 43, "Auto productioin trails 1980 total", Patricia Hoffman' Ward's Automative Report, January 12, 1981, "Small Cars Command 1980 Sales" (insert), "Auto Sales Worst since 1981" (insert); Washington Post, February 3, 1981, pp. E1, 4, "GM loses $763 million in 1980," Douglas Williams.

[27] See e.g., Ford App., section II; "Ford Reports a Loss of $595 million, Record for any U.S. Auto Concern," p. 1, New York Times, October 30, 1980, "Ford Suffers Biggest Loss Ever . . . $567 Million Loss at GM Next Biggest and Chrysler Drops $490 Million" Edward Lapham, pp. 1, 54; United States International Trade Commission Decision on Certain Motor Vehicles, Publication 1110, December 1980, pp. A27-76.

[28] A waiver to 7.0 gpm may allow a manufacturer flexibility to design an engine family to achieve better fuel economy, driveability or costs. See, e.g., the eleventh CO waiver decision, 46 FR 1590, 1593 (January 6, 1981).

[29] See also section III.C of my eleventh decision. Many of the engines are already achieving emission levels close to or under 3.4 gpm standard. See note 43, 46 FR 1590, 1593 (January 6, 1981).

[30] See e.g. GM's contention regarding competitive disadvantage. GM App., p. 7. See also *International Harvester*, 478 F. 2d 615, 637-638 (D.C. Cir., 1973).

waivers could limit the manufacturers' flexibility to improve the competitiveness of these important engine families and ultimately interfere with the future of these automobile manufacturers.[31]

In *International Harvester Co. v. Ruckelshaus*,[32] the United States Court of Appeals for the District of Columbia Circuit reviewed the Administrator's decision to deny manufacturers' requests for a one-year suspension (from 1975 to 1976) of the effective date of the statutory hydrocarbon (HC) and CO standards mandated by the 1970 version of the Act. The Court stated, among other things, that the Administrator should have considered the risks associated with the possibility of erroneously granting or denying those requests. The Court indicated that the Administrator should balance the economic costs (in terms of jobs lost and misallocated resources) possibly associated with an erroneous or only partially accurate denial versus the possible environmental benefits lost through an erroneous grant.

Under the current section 202(b)(5) of the Act, the gravity of the economic and other risks which both a waiver applicant and the public face from the possibility of an erroneous denial depends on the following two factors: (1) The likelihood that the denial, in fact, will turn out to be either erroneous or only partially accurate and (2) the severity of the adverse economic consequences which could occur as the result of an erroneous or partially accurate denial.[33]

In this case, I find that there is a significant likelihood that a decision denying any one of these waiver requests could turn out to be only partially accurate.[34] At a time when these manufacturers need to be as competitive as possible to effect an economic recovery, a partially accurate denial would risk diminishing their ability to adequately compete in this fuel-economy-oriented market of the future,[35] thereby potentially delaying planned recovery, continuing unemployment problems, increasing economic stagnation, and limiting the increase in the number of these fuel-efficient vehicles in use.

Alternatively, the environmental benefits from denying waiver requests for any one or both of these engines families would be insignificant.[36] Vehicles using these engine families are projected to account for only about 3½% of total 1982 model year domestic sales.[37] Adding the number of engine families which already have waivers for the 1982 model year increases this total to only about 34% of projected 1982 model year U.S. sales. This is consistent with my previous findings that the CO waiver proceedings to date have shown that the 3.4 gpm CO emission standard is generally achievable with marketable cost, driveability and fuel economy, and that waivers are appropriate only in extenuating circumstances, such as those identified here. In addition, many manufacturers, including GM and Ford, have made significant efforts to reduce emissions even from those engine families which have received waivers for the 1981 model year while preserving the ability of those families to maintain strong competitive positions in the domestic market. For example, several engine families which already had waivers to an alternative 7.0 gpm CO emission standard generally exhibited CO emissions in production which were close to or marginally below 3.4 gpm.[38]

In addition, the air quality effect of granting waivers for other engine families, if any, which may share similar public interest considerations and incur similar adverse risks comparable to these fuel-efficient engine families is also quite likely to be insignificant.[39] Finally, these engine families will continue to have to meet other regulatory requirements designed to control emissions of in-use vehicles and for which Congress provided no such flexibility to discriminately relax requirements.[40]

While Congress might not have envisioned the waiver process as a mechanism which could permit applicants to attain more competitive technology (as opposed to reasonably marketable technology considering cost, driveability and fuel economy characteristics) when it prescribed the criteria under which I may grant a waiver request, the current economic circumstances and business realities for many automobile manufacturers are significantly different from what they were when Congress adopted the CO waiver provision.[41] Under these circumstances, I find it unlikely that Congress intended me to deny applications where the benefits to the public of a waiver grant would outweigh the benefits of a waiver denial.[42] I believe the language of section 202(b)(5)(A) gives me the flexibility to provide the relief granted here, as in the eleventh CO waiver decision.

B. *Protection of Public Health.*

Section 202(b)(5)(C) of the Act requires that before I grant a waiver covering a given engine family, I must find that protection of the public health does not require attainment of a 3.4 gpm CO standard by the vehicles of the engine family receiving the waiver. I have already examined this issue with respect to the relative consequences and risks involved in granting or denying the waiver requests for the fuel-efficient engine families at issue here.

I have found as a result of this examination that any advance health effects resulting from waiving the 3.4 gpm standard for the 1982 model year engine families discussed in the consolidated decision would be insignificant. The same statement is true regarding the combined health effects resulting from emissions from engine families receiving waivers under the

[31] See generally, *International Harvester v. Ruckelshaus*, 478 F. 2d 615, 633, 641 (D.C. Cir. 1973); 45 FR 53401, 53403 (August 11, 1980).

[32] 478 F. 2d 615 (D.C. Cir., 1973).

[33] *Cf. Ethyl Corp. v. Environmental Protection Agency*, 541 F. 2d 1, 18 (D.C. Cir. 1976) (stating that the Administrator's finding under section 211 of the Act that lead particulates "will endanger the public health and welfare" is composed of reciprocal elements of probability and severity).

[34] *Cf. International Harvester, supra*, 478 F.2d at 641: "[A] partially accurate decision would allow companies to produce but at a significantly reduced level of output." Here, companies are already producing at a lower output due to market conditions, and a waiver denial at this time likely could limit the flexibility these companies need to improve marketability (by improving driveability, for example) and sales.

[35] See, e.g., GM App., p. 5.6, Ford App., section II-2.

[36] See also section III-B.

[37] See, e.g., GM App., p. 9, 45 FR 49870 (July 25, 1980) and 45 FR 53400, 53404 (August 11, 1980). This protection assumes 1982 model year domestic sales of about ten million vehicles.

[38] For example, preliminary 4,000 mile calibration tests on the Ford 2.3L/turbo-charged engine family produced CO emission results ranging from 2.16 to 3.48 gpm. Ford supp. submission, January 22, 1981. See also, e.g., 45 FR 49876, Appendix A (July 25, 1980), 46 FR 1590 (January 6, 1980).

[39] *Cf.*, discussion of a similar concern in my eighth and eleventh CO waiver decisions: 45 FR 53401, 53404 (August 11, 1980), and 46 FR 1590, 1594 (January 7, 1981).

[40] See, e.g., 45 FR 66984 (October 8, 1980).

[41] The Court in *International Harvester* adopted a similar approach in interpreting Congress' intent:

> The Court must seek to discern and reconstruct what the legislature that enacted the statute would have contemplated for the court's action if it could have been able to foresee the precise situation. It is in this perspective that we have not flinched from our discussion of the economic and ecological risks inherent in a "wrong decision" by the Administrator.

478 F. 2d 615, 648 citing *Montana Power Co. v. FPC*, 144 U.S. App., D.C. 263, 270, 445 F. 2d 739, 746 (D.C. Cir., 1970)(en banc), cert. denied, 400 U.S. 1013, (1971).

[42] The flexibility which Congress explicitly afforded me through the waiver provision (which is similar to its legislative predecessor, the suspension provision) in implementing the 3.4 gpm CO standard, gives me a unique opportunity to accommodate these concerns which waiver applicants have raised here. See, e.g. the legislative history for the suspension provision in the 1970 Act: 116 Cong. Rec. 33120, (Senator Baker); 33081 (Senator Griffin); 32905 (Senator Muskie) (1970).

previous consolidated CO waiver decisions. As a result, protection of the public health does not require attainment of the 3.4 gpm CO standard by the engine families here, for which I have determined that effective control technology is not available for the 1981 model year.[43]

While waiving the 1982 statutory CO standards for these engine families arguably would not significantly affect public health, noticeable increases in ambient CO levels could result from granting waivers industry-wide.[44] In light of the fact that industry-wide waivers would not be protective of the public health, it is reasonable to grant waivers covering only that portion of the industry consisting of engine families for which I have determined, given the relative risks at stake, that effective control technology, considering costs, dirveability, and fuel economy, is not available and which I have determined are essential to the public interest (presuming these families also meet the remaining statutory criteria).[45]

C. *Good Faith.*

In order for me to grant a waiver to any applicant, section 202(b)(5)(C)(ii) of the Act requires that I determine that the applicant in question has made all good faith efforts to meet the established emission standards. As a result, I have examined information regarding these applicants' previous and projected efforts toward meeting a 3.4 gpm CO emission standard for the engine families in question.[46]

Each of the applicants has provided engineering, financial and technical information to support the contention that it has acted in good faith in trying to meet the 3.4 gpm CO standard. In general, information in the record provides support for determining that each has made good faith efforts in developing emission control technology to meet the 3.4 gpm CO standard.

As I mentioned earlier, these applicants generally have already made significant progress in developing the technological capabilities of these engine families to meet the 3.4 gpm CO emission standard.[47] Evidence of such improved CO emissions control capabilities [48] substantiate these applicants' claims that they have generally exercised good faith efforts toward meeting the statutory standard and are therefore not benefitting from a potentially inequitable competitive advantage they might achieve by avoiding the good faith effort requirement of the Act and being unjustifiably granted a waiver.[49]

In the absence of any evidence supporting a contrary conclusion, I am unable to determine other than that these applicants have met the good faith criterion with respect to the engine families under consideration in this decision.

IV. Conclusion and Interim Standards

Each of the two engine families which were the subject of this decision is covered by a waiver application which meets the requirements for receiving a waiver under section 202(b)(5)(C) of the Act. As a result, I am granting a waiver of the effective date of the statutory CO emission standard for the GM 1.6L and Ford 2.3L/turborcharged engine families for the 1982 model year.

As required by section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations prescribing an interim CO emission standard for 1982 model year vehicles of 7.0 gpm for the engine families receiving a waiver. For these engine families, this action continues in effect for the 1982 model year the CO emission standard applicable to all 1980 model year light-duty vehicles.

Dated: March 2, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-7280 Filed 3-6-81; 8:45 am]

BILLING CODE 6560-33-M

[43] See, e.g., my discussion of ambient air quality effects in my first consolidated CO waiver decision. App. B, 44 FR 53376, 53402, 53407 (September 13, 1979) and 44 FR 69416, 69146 69458–69462 (December 3, 1979). The engine families receiving waivers under my previous CO waiver decisions constitute less than 30% of the total projected 1982 model year light-duty vehicle sales in the United States. 46 FR 1590, 1597, n.83 (January 6, 1980). These manufacturer projected sales of about 3.5% units of all vehicle sales in the 1982 model year. See, e.g., GM App., p.9. 45 FR 53400, 53404, 53405 (August 11, 1980).

[44] For further discussion concerning this issue see the first decision, 44 FR 53376, 53381 and Appendix B at 44 FR 54402–53407 (September 13, 1979).

[45] I discussed the ambient air quality effect of granting CO waivers in each Appendix B in two previous decisions, 44 FR 53376, 53402–53407 (September 13, 1979) and 44 FR 69416, 69456–69462 (December 3, 1979).

[46] See, e.g., 45 FR 49876, 49881 (July 25, 1980) and 45 FR 53400, 53404, 53405 (August 11, 1980).

[47] See section IIIB(1).

[48] See generally, e.g., 46 FR 1590, 1594 (January 6, 1981).

[49] *International Harvester, supra,* 478 F. 2d 615, 637, 638 (D.C. Cir., 1973).

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 75–"MPS—Automatic Coordinate Conversion Systems"

Notice of 10th Meeting, Wednesday, March 25, 1981, 9 a.m., Conference Room 6248, Nassif (DOT) Building, 400 Seventh Street, S.W. at D Street, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Review of draft specifications.

Mortimer Rogoff, Chairman, SC–75, 4201 Cathedral Avenue, NW., Apartment 91W, Washington, D.C. 20016 Phone: (202) 362–5462.

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 chariman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7287 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 74—"Digital Selective Calling"

Notice of 19th Meeting, Tuesday, March 31, 1981, 9 a.m., Wednesday, April 1, 1981, 9 a.m., Radio Building (Main Entrance), National Telecommunications & Info. Admn., 325 Broadway, Boulder, CO

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Safety Working Group and Coast Station Working Group.
4. Future work assignments.

T. de Haas, Chairman, SC–74, National Telecommunications & Info. Admn., 325 Broadway Bldg. 22, Boulder, CO 80803, Phone: (303) 497–3728.

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. 81-7268 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-79 and 81-80; File Nos. BPH-790831AH and BPH-800107AX]

Associated Investors, Inc. and Flatau Broadcasting Co., Inc.; Applications for Construction Permit; Hearing Designation Order

In the matter of applications of Associated Investors, Inc., Deadwood, South Dakota, Req: 95.1 MHz, channel 236 100 kW (H&V), 1707 feet (BC Docket No. 81-79; File No. BPH-790831AH) and Flatau Broadcasting Company, Inc. Deadwood, South Dakota, Req: 95.1 MHz, channel 236 100 kW (H&V), 1486 feet (BC Docket No. 81-80; File No. BPH-800107AX) for a construction permit for a new FM station.

Adopted: February 4, 1981.

Released: February 19, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of Associated Investors, Inc. (Associated) and Flatau Broadcasting Company, Inc. (Flatau) for a construction permit for a new FM Station at Deadwood, South Dakota.

2. *Associated.* Analysis of the financial data submitted by Associated reveals that $157,141 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$103,746
Miscellaneous	8,500
Operating costs (3 mo)	44,895
Total	157,141

To meet this requirement, Associated plans to rely upon a bank loan of $120,000, $30,000 in new capital from principal Houston Haugo, $5,000 in new capital from principal R. Kendal Mills, and $389 in cash. Associated has failed, however, to include a copy of the bank's $120,000 loan agreement. Also, since we do not know of the bank's proposed terms of repayment, Associated may have to show additional funding available to meet the expense of repayment of interest and/or principal during the first five months after it receives a construction permit. The applicant has therefore shown only $35,389 available to meet a requirement of at least $157,141. Accordingly, a financial issue will be specified.

3. Associated and Flatau have not provided us with current FAA clearances. Accordingly, an appropriate issue will be specified.

4. *Other issues.* We sent letters to both applicants upon determining that both sites would not provide clear line-of-sight paths to parts of Deadwood, as required by § 73.315(b) of our Rules. Associated responded by stating that its proposed site was the best available due to the mountainous area surrounding the proposed city of license. Associated also claimed that only 3.58% of the city's area and 7.26% of its population would receive a degradation of signal due to shadowing. Flatau also responded by claiming that its proposed site provided th best coverage possible to Deadwood, but did not specifically discuss what percentage of the city's area and population would receive loss of signal due to shadowing. In order to determine whether both applicants' proposed transmitter sites are the best available, an appropriate issue will be specified.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, 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 comparative preference should accrue to either of the applicants.

6. 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 Associated Investors, Inc.:

(a) the source and availability of additional funds over and above the $35,389 indicated; and

(b) in light of the evidence adduced pursuant to (a) above, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine whether Associated's proposed transmitter site complies with § 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

3. To determine whether there is a reasonable possibility that the tower heights and locations proposed by the respective applicants would constitute hazards to air navigation.

4. To determine whether Flatau Broadcasting Company, Inc.'s proposed transmitter site complies with § 73.315 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Rule.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

9. 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 on this Order.

10. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 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 § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-6892 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Broadcast Services Subcommittee; Meeting

Pursuant to the provisions of the P. L. 92–463, announcement is made of a public meeting of the Broadcast Services Subcommittee of the National Industry Advisory Committee to be held Thursday, March 26, 1981. The Subcommittee will meet at the National Association of Broadcasters in the Board Room, located at 1771 N Street, N.W., Washington, D.C. at 10:00 A.M.

The meeting agenda is as follows:

Items

1. Opening remarks by Chairman.
2. EBS Tests—Discussion of whether to form a study group to consider a yearly, nationwide, on-the-air EBS test, including television. The purpose of this would be to fully test the entire system for the first time. Such a test, ineffect, would be a combination of the Closed Circuit Test (CCT) (FCC rule 73.962) and the Weekly Transmission Tests of the Attention Signal and Test Script (73.961(c)). Questions that must be answered before it could be conducted included the following:

a. How soon would radio and television stations upon receipt of the first part (CCT) of the test from participating networks, be expected to halt normal programming to conduct their part of the test (73.961(c));

b. Would non-affiliated stations be included in the test and, if so, how soon after receiving notification via their off-the-air monitor receiver would they be expected to conduct their part of the test (73.961(c));

c. Should the telephone companies be authorized to add any of the independent stations, which have facilities in place which connect them to a telephone company exchange, to an originating source (participating network) for the purpose of participating in the test;

d. How would Alaska, Guam, Virgin Islands, Puerto Rico and Hawaii be fed the test message;

e. What would be the method of evaluating the effectiveness of such a test;

f. What would be the method of announcing such a test, i.e., FCC Public Notice, News Release, special rule making, White House announcement, etc.

3. Consideration of revising Priority 4 national programming to allow the head of the Federal Emergency Management Agency to release national news and information over the Emergency Broadcast System after it has been activated by the President. Priority 4 programming presently can only be released by the President's Press Secretary.
4. Status of updating and rewriting the Standard Operating Procedures (SOP) Manual with particular emphasis on the Back-up and Last Resort procedures.
5. Status of Rule change (1) to revise the Weekly Test announcement and (2) to permit an Activation of the EBS in any given week to be substituted for the Weekly Test for the same period.
6. Status of EBS Activation Postcard.
7. Status of FCC, FEMA, NWS, NIAC Agreement.
8. Discussion of 1981 EBS Annual Report.
9. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Executive Secretary, National Industry Advisory Committee, at the FCC on (202) 632–7232.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7418 Filed 3-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

CNB Holding Co.; Formation of Bank Holding Company

CNB Holding Company, Oak Park, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.72 percent or more of the voting shares of Citizens National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 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, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7327 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Chicago Corp.; Formation of Bank Holding Company

Commercial Chicago Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Commercial National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 2, 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, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7328 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorporation, Inc.; Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colorado, has applied for the Board's approval under section 3 (a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.1 per cent or more of the voting shares of The First National Bank of the Southwest, Jefferson County, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 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, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7329 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

PanNational Group Inc., Acquisition of Bank

PanNational Group Inc., El Paso, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of State National Bank West of El Paso, El Paso, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 2, 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, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-7330 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

Rainier International Bank; Establishment of U.S. Branch of Corporation Organized Under Section 25(a) of Federal Reserve Act

Rainier International Bank, Los Angeles, California, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Portland, Oregon. Rainier International Bank operates as a subsidiary of Rainier National Bank, Seattle, Washington.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 2, 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, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 3, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7331 Filed 3-6-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Cuban/Haitian Task Force; Grants for Projects to Resettle Cuban and Haitian Entrants in the United States

AGENCY: Cuban/Haitian Task Force, HHS.

ACTION: Notice of avilability of grants.

SUMMARY: The Cuban/Haitian Task Force announces that applications are being accepted for the award of grants to public or private organizations to assist in meeting the costs of providing those services necessary to resettle Cuban and Haitian entrants in the United States. Awards will be made under the authority of Section 501(c) Title V, Pub. L. 96-422, The Refugee Education Assistance Act of 1980.

DATE: Due to the urgency of immediate resettlement needs, applications will be considered for possible funding as soon as they received.

ADDRESS: Cuban/Haitian Task Force, Department of Health and Human Services, 1133 15th Street N.W., Washington, D.C. 20005.

CONTACT: Barbara Chesnik, Telephone: (202) 653-8608. Due to the immediate need for resettlement, telephone contact is advised.

SUPPLEMENTARY INFORMATION:

Availability of Funds

A continuing resolution for fiscal year FY 1981 (Pub. L. 96-536), effective through June 5, 1981 authorizes spending at an annual rate of $167.1 million for Cuban/Haitian Task Force activities under Section 501(c) of Pub. L. 96-422. Of this amount, it is estimated that approximately $19 million will be available for resettlement needs throughout the remainder of Fiscal Year 1981.

General Policy

Grants awards will be made to eligible organizations to assist them in providing the services necessary to resettle Cuban and Haitian entrants in the United States.

These services may include preliminary resettlement activities performed on behalf of the entrants at refugee camps or reception centers, necessary services performed at or near the entrant's final resettlement location, including provision of transportation, temporary housing, food, clothing, counseling, referral, orientation, consultation with public agencies, and other related efforts.

Project proposals relating to entrants with special needs are encouraged.

The amount of funding of a grant will be negotiated on the basis of either per capita rates calculated on the basis of estimated costs or total estimated costs of conducting a specific project.

Each application will be judged on its own merits, and the decision to award will be entirely at the discretion of the Director.

Definition

Cuban and Haitian entrant is defined by Pub. L. 96-422 [Section 502(e)] as:

(1) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration law for nationals of Cuba or Haiti, regardless of status of the individual at the time assistance or services are provided; and

(2) Any other national of Cuba or Haiti—

(A) who—

(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

(ii) is the subject of exclusion or deportation proceeding under the Immigration and Nationality Act; or

(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

(B) with respect to whom a final, nonappealable, and legally enforceable

order of deportation or exclusion has not been entered.

Who Is Eligible To Apply for a Grant?

Any public or private institution or organization which is motivated by an interest in the welfare of Cuban and Haitian entrants and can demonstrate the ability to effectively provide the services necessary to successfully resettle them in the United States may submit an appliction to the Director, Cuban/Haitian Task Force, Department of Health and Human Services, 1133 15th Street N.W., Washington, D.C. 20005.

Application Contents

In addition to other pertinent information which the Director may require, an application for a grant should contain a detailed description of the proposed project or effort which meets the applicable requirements described in this notice, including:

(1) Description of grantee organization, background, affiliations, and experience.

(2) Project plan and description including:

(a) Resettlement plan

(b) Follow-up plan

(c) Sponsorship breakdown plan.

(3) Listing of proposed sub-grantees or subcontractors.

(4) Time schedules.

(5) An estimate of the number of individuals to be resettled in each planned resettlement location.

(6) A detailed budget for the proposed project or effort and a justification of the amount of grant funds requested.

(7) A description of the financial resources available to the applicant to assure the sound establishment and maintenance of the proposed effort, including a description of the extent to which funds have either been sought by or have been made available to the applicant from Federal programs authorized by statutes other than Pub. L. 96-422, for the support of the proposed effort.

(8) An estimate of voluntary services and donated resources to be made available for this effort.

(9) A description of the plans, if any, for continuing the proposed effort beyond the end of grant support under the program.

Requirements

A project or effort supported under this program must provide the basic services required to effectively resettle an entrant, including the following:

(1) Relocation efforts at a refugee camp or Federal reception center which shall at least include the following kinds of activities:

(a) Finding resettlement opportunities for the entrants such as individual sponsors or resettlement offices;

(b) Providing necessary information regarding the entrant's background and needs to local sponsors, resettlement offices, local agencies and individuals;

(c) Planning the resettlement, including, if necessary, recruitment and training of persons to render reception, counseling and job referral services;

(2) Reception and relocation efforts at destination:

(a) Arranging for entrant to be met at the airport nearest to the entrant's final destination and transported to quarters.

(b) Providing temporary accommodations, as necessary, and assisting in obtaining initial housing and essential furnishings.

(c) Assuring that food or a food allowance and clothing are provided and that other basic needs of the entrant are temporarily met.

(d) Assisting entrants in applying for social security cards and registering children for schools.

(3) Counseling and referral efforts, in coordination with other locally available services of this kind:

(a) Orientation of entrants and sponsors to the resettlement process and the sponsor's role, supplemented by whatever written materials are available, such as multilingual or bilingual orientation matter developed by the grantee and local coordinating councils.

(b) Assisting entrants as soon as possible after arrival in seeking health services available through the local health system (public or private), and assisting those with known health problems in securing follow-up treatment as necessary. Coordinating with local health authorities on programs which will assist the entrant in learning about the health care system.

(c) Assisting in placing entrants in jobs on arrival or as soon thereafter as possible. Providing job counseling and advising on availability, advisability, and procedure for applying for training program if appropriate.

(d) Enrolling entrant in comprehensive English as a second language program, acculturation and practical daily living instructions.

(e) Informing local government authorities about the grantee's resettlement program. Coordinating with local welfare or employment services concerning entrant's employ-ability.

(f) Follow-up on above-listed services.

After the above-listed kinds of basic services have been provided, remaining funds, if any, may be used in projects or activities of direct assistance to these entrants in their resettlement and integration into society, provided these projects or activities do not duplicate those which are otherwise available and adequate from other public or private sources.

Entrants With Special Needs

A small number of the entrants have special needs and require specialized planning (which may include a group residential placement). Specific proposals directed to the needs of these entrants are also being accepted and encouraged. Entrants with special needs may include the physically handicapped, entrants with nonpsychotic mental disabilities, alcoholics, psychotics and other entrants. Plans for these entrants should include provision of the basic services described in this notice and be directed to the particular situations of these entrants.

How Will Applications Be Evaluated?

After consultation with members of the staff of the Cuban-Haitian Task Force and other experts in related fields or ad hoc groups, as deemed necessary, the Director of the Cuban/Haitian Task Force will approve the award of grants which best promote the resettlement purposes of this program.

The Director will take into consideration among other factors the following evaluation criteria:

(1) Organizational and Financial History

(a) Organizational History

1. Philosophy

2. Governance mechanism

3. Senior board members, personnel and members

(b) Financial History

1. IRS—Tax status

2. Financial management system

3. Audit history

4. Previous federal program/project funds

5. Current funding source

(2) Agency Associations

(a) Experience with volunteer agencies

(b) Experience with social services delivery systems

1. Subcontracts with state and municipal agencies

2. Membership on governmental service boards

(c) Association and/or affiliation with other non-profit or related organizations and groups

(3) Program and Services History

(a) Understanding of service issues and population

(b) Previous refugee services experience
(c) Current program focus
1. Direct services
2. Information and referral activities
3. Counseling/crisis intervention
(d) Current and potential volunteer assistance
(e) Projected growth
(4) Resettlement Plan
(a) Program specifics
1. Numbers of refugees to be settled
2. Duration of program
(b) Program strategy
1. Employment/training
2. Housing/household goods
3. Clothing
4. Health care
5. English as a Second Language education
6. Acculturation/counseling
7. Transportation services
8. Crisis intervention
9. Follow-up
(c) Sponsorship breakdown plan
(d) Networking and coordination with on-going state and municipal service systems
(e) Program organization
1. Staff organization/management
2. Staff experience
3. Extent of participation by volunteers
(5) Financial Management Plan
(a) Per capita cost
(b) Administrative costs
(c) Direct service costs categorized

How Long Does Grant Support Last?

(1) The notice of grant award specifies the length of time the Director intends to support the project.

(2) Generally, the grant will be funded for a period not to exceed one year. If additional time is required, the grantee must submit a separate application to have the support continued for a subsequent period. Decisions regarding continuation awards and the funding levels of these awards will be made after consideration of such factors as the the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Director that continued funding is in the best interest of the Federal Government.

(3) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(4) Any balance of federally obligated grant funding remaining unobligated by the grantee at the end of the budget period may be carried forward to the next budget period, for use as prescribed by the Director, provided a continuation award is made. It at any time during a budget period it becomes apparent to the Director that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Director may adjust the amounts awarded by withdrawing the excess.

How is the Amount of the Grant Award Determined?

The Director will determine the amount of the award to the grantee on the basis of the Director's estimate of the sum necessary to cover the costs of the project during the budget period.

For What Purposes May Grant Funds Be Spent?

(1) A grantee shall spend funds it receives under this subpart only according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, and applicable costs principles specified in Subpart Q of 45 CFR Part 74, and this notice.

(2) Grantees may not spend grant funds for sectarian instruction or for any religious purpose.

What Department Regulations Apply to Grantees?

Several regulations apply to the resettlement grants.

These include, but are not limited to:

45 CFR Part 16 Department grant appeals process

45 CFR Part 46 Protection of human subjects

45 CFR Part 74 Administration of grants

45 CFR Part 75 Informal grant appeals procedures (indirect cost rates and other cost allocations)

45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance from HHS—Implements Title VI of the Civil Rights Act of 1964

45 CFR Part 81 Practice and procedure for hearings under Part 80

45 CFR Part 83 Nondiscrimination on the basis of sex in the admission of individuals to training programs

45 CFR Part 84 Nondiscrimination on the basis of handicap in Federally-assisted education programs

45 CFR Part 86 Nondiscrimination on the basis of sex in Federally-assisted education programs

45 CFR Part 91 Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance

Additional Conditions

The Director may impose additional conditions on any grant award before or at the time of any award if he determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

Dated: March 3, 1981.

Wilford J. Forbush,

Director, Cuban/Haitian Task Force.

[FR Doc. 81-7324 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-12-M

Health Care Financing Administration

Medicare Program; Solicitation of Comments for Consideration in a Study of Methods for Providing Coverage for Orthopedic Shoes

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice invites interested parties and professional organizations to submit their views, literature references, analyses or other material for consideration in a study of methods for providing coverage for orthopedic shoes under Part B of Medicare. This study is required by Section 958 of Public Law 96-499, the Omnibus Reconciliation Act of 1980.

EFFECTIVE DATE: All comments must be received by March 21, 1981.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Office of Research, 1-B-15 Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Mildred Corbin, Social Science Research Analyst, (301) 597-1457.

SUPPLEMENTARY INFORMATION: Under present law, orthopedic shoes and other supportive devices for the feet are generally excluded from Medicare coverage. The only exception is when the orthopedic shoe is build into a leg brace. While expected to be costly, coverage of orthopedic shoes has the potential benefit of forestalling more complicated conditions and the need for amputation.

The Health Care Financing Administration will therefore undertake a comprehensive study of methods for extending coverage under Part B of Medicare for orthopedic shoes. This would apply to persons with deforming or disabling conditions who require special fitting to protect against increasing disability or serious medical

complications, or who require special shoes in conjunction with the use of an orthosis or foot support. This study is required by Section 958(e) of Public Law 96–499. Based on findings of this study, the Secretary will submit recommendations to Congress in regard to the extension of Medicare coverage for orthopedic shoes, with specific reference to utilization, cost control, quality of care and equitable and efficient administration. The legislation specifies that the study be delivered to Congress by July 1, 1981.

Organizations or persons with specific knowledge or interest in the subject area are invited to contribute to this study by submitting prepared statements, literature references, analyses, or other material no later than March 21, 1981.

(Section 958(e) of The Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) (42 U.S.C. 1395j))

(Catalog of Federal Domestic Assitance Program No. 13.774; Medicare—Supplementary Medical Insurance Program)

Dated: March 5, 1981.

Paul Willging,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 81-7548 Filed 3-6-81; 11:58 am]

BILLING CODE 4110-35-M

National Institutes of Health National Heart, Lung, and Blood Institute; Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, May 4 and 5, 1981, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:30 a.m. to 5:00 p.m. on May 4 and from 9:30 a.m. to 12 noon on May 5 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 12 noon to adjornment May 5 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–3236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, phone (301) 496–2116.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7256 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittee on Board Activities and Agenda; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Board Activities and Agenda, National Cancer Institute, April 22, 1981, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland. The entire meeting will be open to the public from 7:00 p.m. on April 22, through adjournment, to discuss administrative details. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William A. Walter, Executive Secretary, Subcommittee on Board Activities and Agenda, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4218) will furnish substantive program information.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7255 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, Division of Cancer Cause and Prevention; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, May 28–29, 1981, Building 31A, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. on May 28, through adjournment on May 29, to discuss Concept Review. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary, Board of Scientific Counselors, Division of Cancer Cause and Prevention, National Cancer Institute, Building 31, Room 10A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: March 2, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-7257 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

Research Manpower Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on April 8, 9, and 10, 1981, Conference Room 7, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20205.

This meeting will be open to the public on April 8, 1981 from 8:00 p.m. to approximately 9:00 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 9:00 p.m. on April 8, 1981, until adjournment on April 10, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236.

will provide summaries of the meeting and rosters of the committee members. Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: March 2, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

[FR Doc. 81-7258 Filed 3-6-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-44]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Seaport Marketplace, New York, New York; Waterfront Pier, Yonkers, New York; Southdown Subdivision, Brazoria County, Texas; Henderson CDBG Project, Hendersonville, North Carolina; Peppertree Ranch, Pima County, Arizona; and Saddlewood Ranch, Tucson, Arizona. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. March 2, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS and Notice under Executive Order 11988 on the Seaport Marketplace Project, New York, New York

It has been determined by the City of New York, as the "lead agency" for the Seaport Marketplace Project pursuant to Section 104(h) of Title 1 of the Act and applicable regulations (24 CFR Part 58, 33 CFR Part 230 and 40 CFR Parts 1500-1508), that this Project and the issuance by the Army Corps of Engineers of a necessary permit under Section 10 of the River and Harbor Act of 1899 for construction activities in and affecting navigable waters in connection with the Project will constitute an action with the potential of significantly affecting the quality of the human environment. Accordingly, the City will prepare a draft Environmental Impact Statement on the Project, in accordance with the National Environmental Policy Act of 1969. This notice is to inform the public and interested agencies and persons about the Project and the preparation on the DEIS and to solicit comments and information for consideration in the DEIS.

Description: The principal purposes of the Project are: the strengthening of the economic, historic and cultural potential of the Project area; the revitalization of the local neighborhood; the renovation and reconstruction of basic infra-structure in the seaport district; and the proposed development of a mixed-use complex within lower Manhattan. The Project involves a cooperative effort by the City, the New York State Urban Developmemt Corporation, the South Street Seaport Museum and the Rouse Company.

The site proposed for the Project is located in lower Manhattan. The site is bounded generally by Beekman Street on the north, John Street on the south, Water and Pearl Streets on the west and the pierhead line in the East River on the east.

Plans for the Project contemplate the restoration and renovation of historic buildings and the construction of new structures within the Project area. These structures will incorporate both the existing fish market uses and an expanded South Street Seaport Museum, as well as accommodate appropriate retail, office, residential and possibly hotel uses. The proposal also involves the creation of a pedestrian district covering three blocks (Fulton Street from South Street to Water Street; Water Street from Fulton Street to Beekman Street; and Front Street from Beekman Street to John Street) as an integral part thereof. In addition, the Project will include a new Pier 17 platform, upon which a retail pavilion consisting of approximately 111,000 square feet of gross leasable area, a promenade and new working pier areas. It is anticipated that the Project will generate sufficient revenue to enable the South Street Seaport Museum to continue to rehabilitate its unique collection of historic buildings and ships and to support its future programs and development activities.

An Urban Development Action Grant of $20.45 million will help finance the Project, which has a total cost of approximately $210 million. Construction of the Project is projected to commence in 1981 and to proceed in three phases, with a projected completion date in 1984.

Need. The City has decided to prepare the DEIS because the Project is an important undertaking and is anticipated to have potentially significant environmental impacts on the site and in the general vicinity of the site. These impacts, which are to be more fully discussed in the DEIS, are briefly described as follows. During its construction and operation, the proposed Project will attract large numbers of people to the site. Efficient and safe transportation of these people will therefore necessitate consideration of existing and future traffic and mass transportation patterns and of parking needs. In addition, the Project will require consideration of possible noise, air quality, socioeconomic, land use and community, secondary and other impacts, including the benefits and effects of the Project on historical and archaeological resources. The DEIS will analyze and describe these impacts and will also set forth the Project's physical and visual features and its location, size, scope and constituent elements, including a discussion of measures that may be employed to mitigate or eliminate any potential adverse impacts.

Alternatives. The DEIS will also describe and analyze reasonable alternatives to the Projects, including different scales of development,

different configurations for the Project, alternative sites and the "no build" alternative.

The DEIS is expected to be published and distributed in the Spring of 1981. After its publication, a copy of the DEIS will be on file at the address listed below and will be available for public inspection, or copies may be obtained at the address listed below upon request without charge.

Scoping. This notice is part of the process for determining the scope of the issues to be addressed in the DEIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. To assist in this scoping process, a public scoping meeting will be held. All interested agencies, groups and persons are invited to attend and partcipate. For further information on this meeting contract Mr. Stuckey at the address listed below.

All interested agencies, groups and persons who are unable to attend the public scoping meeting are invited to submit written comments with respect to the proposed scope of the DEIS.

Regulations promulgated under Executive Order 11988 require that the public be provided the opportunity for early review as soon as it is determined that a federally funded project is proposed to be located in a floodplain as defined by the aforesaid Executive Order. The Federal Emergency Management Agency has determined that this Project is planned for a floodplain as designated on the applicable Flood Hazard Boundary Map. Therefore, this announcement is intended to constitute notice as required under Executive Order 11988 of the public's opportunity for early review of the Project.

Comment. For further information, please contact James P. Stuckey, Senior Development Management, City of New York, Office of Economic Development, 17 John Street, 11th Floor, New York, New York 10038. Mr. Stuckey's telephone number is (212) 566-6630.

Appendix—EIS on the Waterfront/Pier Project, Yonkers, New York

The City of Yonkers has determined that an Environmental Impact Statement is required on the proposed project known as the Yonkers Waterfront/Pier Project. In accordance with the National Environmental Policy Act of 1969, a Draft Environmental Impact is being prepared on behalf of the City of Yonkers concerning the environmental impact of the proposed project.

Description. The proposed project known as the Yonkers Waterfront/Pier Project is being undertaken as part of an urban renewal project pursuant to Title I of the Housing and Community Development Act of 1974, as amended and it is intended that the public portion of said project will be financed, in part, under the Urban Development Action Grant Program. The Yonkers Waterfront/Pier Project would constitute a comprehensive, 48 month, $163 million redevelopment of a 15.5 acre parcel on the Yonkers Waterfront Pier Area bounded on the north by Wells Avenue, on the south by Prospect Street, on the east by Buena Vista Avenue and Penn-Central Railroad and on the west by the Hudson River. The Project will consist of: 300,000 square feet of retail space; 375 room hotel with accessories; 500 units of one, two and three bedroom housing; 265,000 square feet urban retail mall; 600 person convention complex and exhibition center; 750 seat civic auditorium; marina and various access roads and parking facilities.

Need. Due to the size and scope of the project the City of Yonkers has determined that an EIS will be prepared.

Alternatives. Alternatives are now being considered to (1) either phase the project in substantially the same form as set forth above or (2) to reduce the size and extent of the facilities contained therein although maintaining substantially the same form or (3) to include within said project a County Convention Center/Arena of approximatley 260,000 square feet including parking in lieu of, or in addition to, any of the facilities as aforementioned, or (4) to inclue a conference or convention center in lieu of, or in addition to, any of the facilities aforementioned.

The Draft Environmental Impact Statement will include a generic review to consider maximum development of the project area consistent with CBQ regulations and to consider the aforementioned project in connection therewith.

Scoping. No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered part of the process used for scoping the EIS. Any responses to the Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Comments. Comments should be sent within 21 days following publication of this Notice in the **Federal Register** to: Wilbert Allen, Commissioner, Department of Development/ Community Development Agency, 53 South Broadway, Yonkers, New York 10701.

Appendix—EIS on Southdown Subdivision, Brazoria County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement on a proposed subdivision which is located within the extraterritorial jurisdiction of the City of Pearland, Brazoria County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: The Homecraft Land Development, Incorporated, Post Office Box 20147, Houston, Texas, proposes to develop a 423 acre tract into 1,034 single family residences, accommodating a population of approximately 4,173 persons. This subdivision will be known as Southdown. The firm of Homecraft Land Development, Inc., also proposes to develop an adjacent tract of 601 acres into a subdivision which will be known as Countryplace. The two tracts are located south of Clear Creek and on the east side of State Highway No. 288. The proposed subdivisions will extend in an easterly direction to Farm to Market Road No. 518.

The developer has requested that the Department accept the Southdown subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934. The developer makes no such request for Countryplace subdivision. However, since the drainage and utility systems of both subdivisions will interconnect, the Environmental Impact Statement will address the cumulative impacts of the two subdivisions.

Need: Due to the size and scope of the proposed development, the Dallas Area Office has determined that an Environmental Impact Statement will be prepared pursuant to Public Law 91-190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications, or (3) reject the project.

Scoping: No formal scoping meeting is anticipated for this project. It is the intent of this notice to be considered a part of the process used for scoping the Environmental Impact Statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

Comments: Comments should be sent within 21 days following publication of

this Notice in the Federal Register to I. J. Ramsbottom, Environmental Officer, Dallas, Texas 75201. The commercial telephone number of this office is 214–767–8347 and the FTS number is 729–8347.

Appendix—EIS on the East Hendersonville CDBG Project, Hendersonville, North Carolina

The Community Development Department in Hendersonville, North Carolina, intends to prepare an EIS on a Comprehensive CDBG Project described below, and requests information and comments for consideration in the EIS.

Description: The East Hendersonville CDBG Project, funded by a Small Cities Block Grant from HUD, is designed to address the neighborhood revitalization needs of a nine block, designated target area, located in ED 643. The purpose of this project is to remove the blighted conditions in the neighborhood which also include specific public facilities improvements. Existing plans project: rehabilitation of 30 single family dwellings, install 2,900 linear feet of twelve-inch water line, improve approximately 2,000 linear feet of existing streets, demolish 10 dilapidated structures, acquisition of necessary rights-of-way and limited relocation activities. The City has projected that these activities should be completed by the first quarter of 1982.

Need: An EIS is proposed due to HUD threshold requirements for water line projects cited in the environmental regulations, 24 CFR, Part 58.25(a)(1) and (c). The EIS will also address the impact on community services, water resources and potential growth that may occur as a result of this project.

Alternatives Perceived: At this time, the City alternatives includes: no project, accept project as proposed, accept project with conditions, or modifications of the project.

Scoping: This Notice is part of the process used for scoping the East Hendersonville CDBG Project EIS. Responses will help determine significant environmental issues and identify data which the EIS should address, and will help identify cooperating agencies. The date for scoping meeting has not been set. Interested parties should contact the agency below to be notified of the scoping meeting date.

Comments: Comments should be forwarded within 21 days following publication of this Notice in the Federal Register to Kirk T. Grosch, CD Director, City of Hendersonville, 145 Fifth Avenue E. Hendersonville, North Carolina 18739 (or call (704) 697–2466).

Appendix—EIS on the Peppertree Ranch PRD, Pima County, Arizona

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development intends to issue an EIS for a planned residential development project to be identified as Peppertree Ranch and located generally in the northwesterly edge of the Tucson Urban Area in Pima County, Arizona.

Description: The Peppertree Ranch planned residential community project is a proposed land development of approximately 2600 acres. This planned development will provide for an approximate 5,000 new dwelling units in a mixture of housing densities and types. Community recreation facilities, functional open-space and certain supporting commercial uses will for the remaining land uses within the project.

The project site is located near Rillito and is bounded on the north by the Avra Valley Road, on the east by Freeway I–10, on the south by the Santa Cruz River and on the west by Silverball Road. The Thesen Mountain Range is the project site's most unique natural landmark immediately to the west and north. The Santa Cruz River is a special natural landmark on the project's eastern boundary.

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate homeownership and the construction and financing of housing. By insuring commercial lenders against loss, HUD encourages such lenders to invest capital in the home mortgage market. The purpose of this notice is to solicit from all interested persons, local, state and federal agencies, recommendations or comments regarding any issue that should be addressed in the proposed environmental impact statement.

Among the possible significant environmental effects are: conversion of approximately 2600 acres of undeveloped desert land and prime agricultural land to residential and related suburban land uses; and approximately 12,000 to 15,000 new residents.

Potential environmental impacts are anticipated on the following natural resources: prime agricultural land, a portion of the base 100-year floodplain area of the Santa Cruz River, desert biological resources of wildlife and vegetation and air quality. Significant urban impacts will occur to transportation resources, school services and other community facilities and services. Impacts of light and glare are anticipated on the Kitt Peak National Observatory and impacts are anticipated on important archeological and cultural resources.

Need: The Department has determined that an environmental impact statement is necessary due to the size and scope of project activities proposed and the special environmental impacts associated with these activities. This determination is made in response to Section 102(2)(o) of Public Law 91–190, the National Environmental Policy Act of 1969 and to the implementing regulations of Executive Order 11988 which sets forth the Floodplain Management protection procedures applicable to Federally assisted land development projects.

Alternatives Perceived: The alternatives perceived available to the Department of Housing and Urban Development which will be given consideration are: (1) accept the project as submitted, (2) accept the project with modification, or (3) reject the project.

Scoping: HUD does anticipate holding a project "scoping: meeting in accord with Section 1507.1 of the implementing regulations of the National Environmental Policy Act. This meeting will be open to all persons, groups, organizations, public and private agencies. At this scoping meeting HUD wishes to facilitate identification of all potential environmental impacts not presently known as set forth above. Information on local or state environmental concern are particularly solicited as well as private environmental organization concerns. For information on this meeting, contact Mr. Shortall at the address listed below. Comments in writing are also invited. This announcement and the "scoping" meeting is intended to satisfy Steps 1 and 2 of the "eight-step" review process associated with the implementing regulations of E.O. 11988 on Floodplain Management.

Comments: Comments or recommendations regarding the EIS proposal should be sent within 21 days of publication of this notice to: William Shortall, Environmental Specialist, U.S. Department of Housing and Urban Development, Room 604; 2500 Wilshire Boulevard; Los Angeles, California 90057 or call (213) 688–5899 (FTS 798–5899). Information about the project may be obtained in Tucson from: Thomas Webster, Chief Underwriter; U.S. Department of Housing and Urban Development; 33 North Stone Avenue, Suite 1400; Tucson, Arizona 85701 or call (602) 792–6887 (FTS 762–6887).

Appendix—EIS Saddlewood Ranch Housing Project, Tucson, Arizona

The Los Angeles Area Office of the U.S. Department of Housing and Urban Development intends to issue an EIS for a primarily residential land development project identified as Saddlewood Ranch and located in the City of Tucson, Arizona. The purpose of this notice is to solicit from all interested persons, Local, State and Federal agencies, recommendations or comments regarding any issue that should be addressed in the proposed EIS.

Description: The Saddlewood Ranch residential project is a land development proposal on approximately 300 acres for 1700 dwelling units and is located in a generally eastern part of the City of Tucson, Arizona. The boundary streets of the project are, Speedway Boulevard on the south, Camino de Juan on the west, Ironwood Hills Drive on the north and Greasewood Road on the east. A tributary or natural-drainageway to the Rillito Wash cuts through the project area in a southwesterly direction.

The comprehensive community plan of the City of Tucson proposes the land area for residential uses. Significant impacts are not expected on such environmental factors as prime agricultural land use, endangered species or wildlife-habitats. Archeological impacts can be anticipated as well as impacts on community services and facilities, i.e., water system, sewer facilities, fire and police protection services, school services and similar service impacts. There will be impacts on City transit and circulation resources, impacts on air-quality, as well as effects on a designated 100-year flood hazard zone draining into the Rillito Wash.

HUD's participation in this land development project is through its Federal mortgage insurance program which is intended to facilitate home ownership and the construction and financing of housing. By insuring commerical lenders against loss, HUD encourages such lenders to invest capital in the home mortgage market.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program regulations and certain perceived environmental impacts such as the following: impact on the 100-year base floodplain, water resources, energy, transportation, cultural resources and community services and facilities. This announcement and the EIS preparation and distribution process will form HUD's primary means of inviting public participation in the "eight-step" review process required by the implementing regulations of Executive Order 11988 and the required decision making process HUD will carry-out for this special Federal environmental concern. This announcement is intended to satisfy Steps 1 and 2 of the "eight-step" review process.

Alternatives Perceived: At this time the HUD alternatives include: no project, accept project as proposed and/or accept project with conditions or modification of the project.

Scoping: HUD will hold a pre-project "scoping" meeting in accordance with Section 1501.7 of the implementing regulations of the 1969 National Environmental Policy Act. At this meeting, open to all persons, groups, organizations, Federal, State and Local agencies, HUD wishes to identify all significant issues to be analyzed in the environmental impact statement. For further information on this meeting, contact Mr. Shortall at the address listed below. All individuals, groups, organization, Agencies are invited to attend. Local and State paticipation is particularly invited.

Comments: Comments regarding the proposed EIS should be sent within 21 days of this Notice to: John J. Tuite, Area Manager, Attention: William Shortall, Environmental Protection Specialist, U.S. Department of Housing and Urban Development, 2500 Wilshire Boulevard, Los Angeles, California 90057, or call (213) 688-5899 (FTS 8-798-5899).

Information about the proposed housing project may be obtained locally from Thomas Webster, Chief Underwriter at U.S. Department of Housing and Urban Development, 33 North Stone Avenue, Suite 1400: Tucson, Arizona 85701, or call (602) 792-6887 (FTS 8-762-6887).

[FR Doc. 81-7253 Filed 3-6-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Interstate Land Sales Registration

[Docket No. N-81-1061]

Request for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of application by the State of Oregon for State certification

SUMMARY: The Secretary gives public notice that the State of Oregon has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Oregon's application.

DATE: Comments should be submitted no later than May 8, 1981.

ADDRESSES: Send comments to: Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Ann Lawhead, State Certification Officer, Program Development and Control Division, Department of HUD, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-6314 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Public Law 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Oregon has submitted an application which is under consideration. The State of California is the only other State which has submitted an application. That application was approved, and a formal agreement was signed on January 6, 1981.

Any person(s) interested in receiving the application materials prepared by the State of Oregon may request copies of them from the Office of Interstate Land Sales Registration from the address above.

Issued at Washington, D.C. on March 2, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-7254 Filed 3-6-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Water and Power Resources Service

Contract Negotiations for Florida Project, Col.; Intent To Negotiate an Amendatory Contract

Water and Power Resources Service intends to initiate negotiations among the Bureau of Indian Affairs, the Southern Ute Indian Tribe of Ignacio, Colorado, and the Florida Water Conservancy District of Durango, Colorado, to amend contract No. 14–06–400–3038, dated May 7, 1963.

The amendatory contract will be negotiated under the authority of the Reclamation Project Act of 1939 (53 Stat. 1187), and the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105), to provide for the allocation of an additional 181 acre-feet of project water from the Florida Project. The Florida Project was authorized as a participating project by the Colorado River Storage Project Act to provide irrigation water for 19,450 acres of land, including 785 acres of land for the Southern Ute Indian Tribe.

Under the terms of the 1963 contract between the Southern Ute Indian Tribe and the United States, the Tribe was allocated 1,819 acre-feet of project water to irrigate 713.8 irrigable acres of tribal land. The proposed contract will amend the 1963 contract to allocate an additional 181 acre-feet of project water to the Tribe for the irrigation of 71.2 irrigable acres of tribal land. The amendatory contract would also provide for the collection and payment of appropriate operation and maintenance costs to the Florida Water Conservancy District Construction costs for Indian irrigation facilities will be deferred under the provisions of the Leavitt Act of July 1, 1932 (47 Stat. 564).

All meetings scheduled by the Water and power Resources Service with the contractor for the purpose of discussing terms and conditions of the proposed contract will be open to the general public as observers. Advance notice of these meetings will be furnished to those parties having provided a written request for such notice at least 1 week prior to a scheduled session. For further information on scheduled negotiating meetings and/or a copy of the proposed contract when it is available, please contact Mr. Richard Gjere, Chief Operations Branch, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301.

The proposed contract will be open to public review and written comments for 30 days after it is available.

All written correspondence concerning the proposed contract will be available pursuant to the terms and conditions of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: March 3, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-7305 Filed 3-6-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-No. 108F)]

Chicago and North Western Transportation Company—Abandonment—Near Oakdale and Elgin in Antelope County, NE; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided February 20, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979); and subject to the condition that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad extending from railroad milepost 115.0 near Oakdale, NE, to railroad milepost 104.6 near Elgin, NE, a distance of 10.4 miles in Antelope County, NE. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since the investigation has been completed, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7333 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief; Formerly Fourth Section Application

March 4, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43881–1, Trans-Continental Freight Bureau, Agent, (No. 556 Amend. 1), reduced rate on wheat, threshed, from Stations in Minnesota, Montana, and North Dakota to destinations on the Pacific North Coast, as published in Supplement No. 88, Item 3806-series to its Tariff ICC TCFB 4045–O. Rate became effective December 17, 1980, on one day's notice under Special Permission No. 81–1016. Due to the short notice filing and the emergency situation that was stated to exist, long-and-short-haul relief was granted in Long-And-Short-Haul Order No. 20671. This relief expired with January 31, 1981. The application now under consideration requests that the long-and-short-haul relief be permanently granted.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7337 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to

consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). 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 ths 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 decison 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 27, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

(Board Member Taylor votes to subject MC-F-14573 to an impediment regarding duplications between the rights sold and other rights of transferor)

MC-F-14570F, filed February 6, 1981. JOHN O. SCOTT, HUGH H. SCOTT, JR., HUGH H. SCOTT, SR., and NETTIE F. SCOTT, (individuals) (1134 Sylvan Road, S.W., Atlanta, GA 30310)—control—SCOTT TRANSFER CO., (Scott) and BACON MOTOR EXPRESS, INC. (Bacon) (both of 1134 Sylvan Road, SW, Atlanta, GA 30312). Representatives: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 30310. Individuals seek to continue in common control and management of Scott and Bacon. John O. Scott, brother of Hugh H. Scott, Sr., is general manager of Scott and Bacon. Hugh H. Scott, Jr. controls Bacon and his father Hugh H. Scott, Sr. controls Scott. Nettie F. Scott, wife of Hugh H. Scott, Sr., is the secretary-treasurer of Scott. The operating rights of Scott sought to be controlled by Individuals are contained in contract carrier permit MC 117956 and sub-numbers thereunder authorizing the transportation of numerous specified items, including such items as coin, currency, commercial paper, salt, pepper, metal containers, lacquer, fiberboard boxes, steel drums, tile, bleach, cleaning compounds, plastic buckets, bread making ingredients, fibre cans, and other items between points in the United States. The operating rights of Bacon sought to be controlled by Individuals are contained in contract carrier permit MC 106863 authorizing the transportation of potato chips, shoestring potatoes, potatoes, fried pork skins, cakes, candy, crackers, salted nuts, peanuts, peanut butter, peanut butter sandwiches, popcorn, pretzels, and pecans, in cartons, cases, or containers, cooking oil in drums, display racks, knocked down, folded flat, glass jars, printed matter, stationery, labels, twine, and glassine bags, in cases or cartons, gummed tape, corrugated boxes, knocked down, folded flat, in bundles, metal drums, and containers, between (a) Atlanta GA, on the one hand, and, on the other, points in FL, (b) Memphis, TN, on the one hand, and, on the other, points in AR and MO, (c) Louisville, KY, on the one hand, and, on the other, points in IN on and south of U.S. Hwy 36, and (d) Atlanta, GA, and points in AL, KY, MS, NC, SC, TN, VA, and WV, restricted against service between Atlanta, GA, on the one hand, and, on the other, Birmingham, AL.

Note.—(1) This application was filed pursuant to a condition imposed in MC 106863 (Sub-1). (2) The concurrently filed Motion to Dismiss has been denied.

MC-F-14573, filed February 10, 1981. ASHTON TRUCKING CO. (Ashton) (1245 North Hwy 285, Monte Vista, CO 81144)—purchase (portion)—TEXAS CONTINENTAL EXPRESS, INC., JOSEPH COLVIN, trustee in bankruptcy (TCE) (2002 Continential Life Bldg., Fort Worth, TX 76102). Representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264; and Marshall Kragen, Suite 600, 1835 K Street, NW, Washington, DC 20006. Ashton seeks authority to purchase a portion of the interstate operating rights of TCE. Lehland G. Decker is the majority stockholder of Ashton and will be required to join in this application as person in control of transferee. Ashton is purchasing the interstate operating rights contained in TCE's Certificate MC 133095 (Sub-96), which authorized the transportation of (1) *carpeting*, from Marlin, TX, to points in MS, LA, AZ, MN, IA, OK, KS, NE, SD, ND, NM, CO, WY, MT, AR, UT, ID, NV, CA, OR, and WA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of carpeting (except in bulk), from points in the destination states named above to Marlin, TX. Ashton is authorized to operate as a common and contract carrier in CO, NM, KS, NE, UT, WY, and TX, pursuant to Certificate 57880 and Permit 62538. Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Lehland G. Decker, stating that he is the majority stockholder of Ashton, and that as person in control of transferee he joins in this application. Condition: approval and authorization of this transaction is

conditioned upon the prior cancellation by Caravan Refrigerated Cargo, Inc., of Certificate MC 133095 (Sub-96) from its lease application in MC–F–14392F and from the temporary lease granted May 23, 1980, in MC–F–14392F.

MC–F–14575, filed February 12, 1981. FULLINGTON AUTO BUS COMPANY (Fullington) (314 Cherry Street, Clearfield, PA 16830)—Purchase (portion)—TRAILWAYS EDWARDS, INC. (Edwards) (1500 Jackson St., Dallas, TX 75201). Representative: Christian V. Graf, 407 N. Front Street, Harrisburg, PA 17101. Fullington seeks authority to purchase a portion of the interstate operating rights and property of Edwards. J. Richard Fullington and Mildred F. Fullington are the majority stockholders of Fullington and will be required to join in this application as persons in control of transferee. Fullington is purchasing that portion of Edward's operating rights contained in Certificate MC 2866 and Deviation Notices 10 and 13 as follows: (A) Regular routes: *Passengers and their baggage*, and *express, mail, and newspapers*, in the same vehicle with passengers, (1) between Indiana, PA and Clearfield, PA, serving all intermediate points: From Indiana over PA Hwy 286 to junction US Hwy 219, then over US Hwy 219 to Grampian, and then over PA Hwy 879 (formerly US Hwy 322) to junction with US Hwy 322, then over US Hwy 322 to Clearfield, and return over the same route; (2) between Pittsburgh, PA and Buffalo, NY, serving all intermediate points: From Pittsburgh over PA Hwy 380 to junction US Hwy 22, then over US Hwy 22 to junction with PA Hwy 286 (formerly unnumbered Hwy), then over PA Hwy 286 to junction PA Hwy 380, then over PA Hwy 380 to junction PA Hwy 66, then over PA Hwy 66 to junction PA Hwy 56, then over PA Hwy 56 to Sandy Plain, PA, then over PA Hwy 156 to Shelocta, PA, then over US Hwy 422 to junction PA Hwy 286, then over PA Hwy 286 to Indiana, PA, then over US Hwy 119 to junction US Hwy 219, then over US Hwy 219 via Johnsonburg, PA to Wilcox, PA, then over PA Hwy 321 (formerly US Hwy 219) to Kane, PA, then over US Hwy 6 to Lantz Corners, PA, then over US Hwy 219 via Bradford, PA and Salamanca and Springville, NY, to its junction with NY Hwy 391, then over NY Hwy 391 to Hamburg, NY, then over US Hwy 62 to Buffalo, NY; (also from Indiana, PA over PA Hwy 286 to Clymer, PA, then over PA Hwy 403 (formerly PA Hwy 223) to junction US Hwy 119 near Marion Center, PA; also from DuBois, PA over PA Hwy 255 to Johnsonburg, PA; and also from Springville, NY over NY Hwy 39 to junction NY Hwy 240, then over NY Hwy 240 to Buffalo), and return over the same route. The above-described authority to transport passengers was issued pursuant to applications filed on or before January 1, 1967, and therefore *incidental charter operations* in interstate or foreign commerce *may be conducted* under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. (B) Alternate routes for operating convenience only: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers: (1) Between Wilcox, PA and Lantz Corners, PA, in connection with carrier's regular-route operations authorized herein between Pittsburgh, PA and Buffalo, NY, serving no intermediate points: From Wilcox over US Hwy 219 to Lantz Corners, and return over the same route; (2) between junction PA Hwys 66 and Alternate 66 (near Oklahoma, PA) and Apollo, PA, serving no intermediate points: From junction PA Hwys 66 and Alternate 66 over PA Hwy 66 to Apollo, and return over the same route; (3) between Pittsburgh, PA and junction PA Hwy 286 (formerly PA Hwy 80) and PA Hwy 380 (west of Sardis, PA) serving no intermediate points: From Pittsburgh over city streets to the Penn-Lincoln Parkway, then over the Penn-Lincoln Parkway to junction PA Hwy 286 (formerly portion PA Hwy 80), then over PA Hwy 286 to junction PA Hwy 380, and return over the same route; (4) between junction Penn-Lincoln Parkway and PA Hwy 286 (formerly PA Hwy 80) and junction PA Hwy 286 (formerly PA Hwy 80) and unnumbered hwy (known as Swissvale Ave.), serving no intermediate points, and serving junction Penn-Lincoln Parkway and PA Hwy 286 for purposes of joinder only: From junction Penn-Lincoln Parkway and PA Hwy 286 (formerly PA Hwy 80) over PA Hwy 286 to junction unnumbered hwy (known as Swissvale Ave.), and return over the same route. (C) Irregular routes: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Elk and McKean Counties, PA, and extending to points in the US (including AK and excluding HI). (D) Deviation 10: From junction US Hwy 22 and PA Hwy 286 (formerly PA Hwy 80) over US Hwy 22 to junction US Hwy 119, then over US Hwy 119 to Indiana, PA, and return over the same route, for operating convenience, only. (E) Deviation 13: (1) From junction US Hwy 219 and NY Hwy 242 north of Ellicottville, NY, over US Hwy 219 to junction NY Hwy 39 near Springville, NY, and (2) from junction US Hwy 219 and NY Hwy 277 at North Boston, NY, over NY Hwy 277 to junction NY Hwy 240 near Orchard Park, NY, then over NY Hwy 240 to junction US Hwy 20–A, then over US Hwy 20–A to junction Interstate Hwy 90 (Interchange No. 55), then over Interstate Hwy 90 to junction Interstate Hwy 190, then over Interstate Hwy 190 to Buffalo, NY (Interchange No. 7) (NY Hwys 277 and 240 and US Hwy 20–A described above to be new US Hwy 219), and return over the same route, for operating convenience only. Fullington holds authority to transport passengers pursuant to authority issued in MC–2796 and sub-numbers thereunder. CONDITIONS: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affadavit signed by J. Richard Fullington and Mildred F. Fullington, stating that they are the majority stockholders of transferee and that they join in this application.

Note.—Edwards is retaining that portion of its irregular route authority in MC 2866 which authorizes the transportation of *passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Carbon Centre, Clarion, Clearfield, Clinton, Columbia, Indiana, Jefferson, Lycoming, Montour, Northumberland, Schuylkill, Tioga, and Union Counties, PA, and Hazleton, PA, and points in Luzerne County, PA, within 15 miles of Hazleton, PA, and extending to points in the United States (including AK and excluding HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7336 Filed 3–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–190

Decided February 17, 1981.

By the Commission, Division 1, Acting as Appellate Division, Commissioners Clapp, Alexis and Gilliam. Commissioner Alexis absent and not participating.

MC 8535 (Sub-123F), filed November 13, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Interstate 83 at Rt. 439, Parkton, MD 21120. Representative: John Guandolo, 1000 16th St., NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7339 Filed 3-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted othewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–192

Decided March 2, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher and Williams. Williams not participating.

MC 154315, filed February 3, 1981. Applicant: JOHN A. STEER CO., 136 Chestnut St., Philadelphia, PA 19106. Representative: John M. Poole (same address as applicant). As a *Broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP3–193

Decided March 2, 1981.

By Commission, Review Board No. 2, Members Carleton, Fisher and Williams. (Member Williams Not Participating.)

MC 2934 (Sub-101), filed January 29, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: James L. Beattey, 300 E. Fall Creek Parkway, Suite 403, Indianapolis, IN 46205. Transporting *floor coverings*, between points in GA and SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 109564 (Sub-20), filed February 5, 1981. Applicant: LYONS TRANSPORTATION LINES, INC., 138 E. 26th St., Erie, PA 16501. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Cincinnati, OH and Lexington, KY, over Interstate Hwy 75; (2) Between Cincinnati, OH and Evansville, IN: From Cincinnati over Interstate Hwy 71 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route; (3) Between junction Interstate Hwy 64 and U.S. Hwy 41, and junction U.S. Hwy 41 and the IN–IL State line, over U.S. Hwy 41; (4) Between Indianapolis, IN and junction

Interstate Hwy 70 and the IN–IL State line, over Interstate Hwy 70; (5) Between Cincinnati, OH and Junction IN–IL State line and U.S. Hwy 50, over U.S. Hwy 50; (6) Between Indianapolis, IN and junction Interstate Hwy 65 and the IN–KY State line, over Interstate Hwy 65; (7) Between Fort Wayne, IN and junction U.S. Hwy 24 and the IN–IL State line, over U.S. Hwy 24; (8) Between Chicago, IL and South Bend, IN, over Interstate Hwy 90; and (9) Between Cincinnati, OH and junction Interstate Hwy 74 and the IN–IL State line, over Interstate Hwy 74, serving in (1) thru (9) above Danville and Grayville, IL points in OH, IN, those in MI on and south of U.S. Hwy 10, points in KY on and north of Interstate Hwy 64, and those in Fayette, Clark, Madison, Jessamine, Mercer, Woodford, Anderson, Franklin, Spencer, Nelson, Jefferson, Bullitt, and Meade Counties, KY, and Laurence, Clark, and Iroquois Counties, IL.

MC 109564 (Sub-21), filed Feb. 5, 1981. Applicant: LYONS TRANSPORTATION LINES, INC., 138 E. 26th St., Erie, PA 16501. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), (1) Between Albany, NY and Boston, MA, over Interstate Hwy 90; (2) Between junction Interstate Hwy 495 and Interstate Hwy 90 near Mansfield, MA, and Providence, RI, over Interstate Hwy 95; and (3) Between Albany, NY and Easton, PA: From Albany over Interstate Hwy 87 to New York, NY, then over Interstate Hwy 278 to jundtion Interstate Hwy 78, then over Interstate Hwy 78 to Easton, and return over the same route, serving in (1), (2) and (3) above points in CT, MA, NY, PA, RI, and NJ as off-route points in connection with carrier's otherwise-authorized regular-route operations.

MC 117344 (Sub-289), filed February 4, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Dr., Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Transporting *commodities in bulk*, between points in Dearborn, Fayette, Franklin, Ohio, Randolph, Ripley, Union and Wayne Counties, IN, Boone, Boyd, Campbell, Greenup and Kenton Counties, KY, and Butler Clark, Clermont, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Shelby and Warren Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 133194 (Sub-23), filed January 28, 1981. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Rd., P.O. Box 1047, Russellville, AR 72801. Representative: Richard Streeter, 1729 H St., NW., Washington, DC 20006. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Greenville, TX and Kansas City, KS: From Greenville over TX Hwy 24 to junction Indian Nation Turnpike, then over Indian Nation Turnpike to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Kansas City, and return over the same route; (2) Between Fort Smith, AR, and Tulsa, OK: From Fort Smith over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Tulsa, and return over the same route; (3) Between Bentonville, AR, and Joplin, MO, over U.S. Hwy 71; (4) Between Bear Creek Springs, AR and Joplin, MO: From Bear Creek Springs over U.S. Hwy 65 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Joplin, and return over the same route; and (5) Between Fort Smith, AR and Greenville, TX: From Fort Smith over Interstate Hwy 40 to junction Indian Nation Turnpike, then over Indian Nation Turnpike to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction TX Hwy 24, then over TX Hwy 24 to Greenville, and return over the same route.

Note.—Applicant intends to tack and interline this authority with its existing authority.

MC 134064 (Sub-49), filed January 30, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products*, between points in Coles County, IL and Franklin County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134235 (Sub-31), filed February 6, 1981. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Neal A. Jackson, 1156 Fifteenth St., NW., Washington, DC 20005. Transporting (1) *salt and salt products*, and (2) *such commodities* as are dealt in or used by agricultural, water treatment, food, and industrial supply industries, between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 134645 (Sub-39), filed January 30, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *compressed air de-icing systems* and *anti-freeze compounds*, between points in Stearns, Benton and Sherburne Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-6), filed February 6, 1981. Applicant: EDINA CARTAGE COMPANY, P.O. Box 42, Mauricetown, NU 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *general commodities* (except classes A and B explosives), between the facilities of Seaport Cooperative, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150984 (Sub-1), filed February 6, 1981. Applicant: ESTES TRUCKING CO., INC., 4203 S. 297th Pl., Auburn, WA 98002. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *pipe*, between points in Brown County, TX, on the one hand, and, on the other, points in OR and WA.

MC 152444 (Sub-2), filed January 22, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy Nos. 36 & 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *chemicals and related products*, between points in Union County, IA, on the one hand, and, on the other, points in MO.

MC 153735 (Sub-1), filed February 6, 1981. Applicant: VISTA CALIFORNIA TOURS, INC., d.b.a. VISTA LIMOUSINE SERVICE, 323 So. Canal St., South San Francisco, CA 94080. Representative: Milton W. Henke, Sr., 375 Arroyo Dr. South San Francisco, CA 94080. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in CA, and extending to points in NV and AZ.

MC 154065, filed February 4, 1981. Applicant: CAMPAMERICANA, INC., 23771 Avenida Facilitar, Mission Viejo, CA 92691. Representative: Louis C. Knoke (same address as applicant). As a *broker* of *passengers and their baggage*, between points in AK, GA, LA, CA, UT, NY, AZ, and FL, on the one hand, and, on the other, points in the U.S.

MC 154264, filed February 6, 1981. Applicant: L.R.K. CARTAGE, INC., 17271 Francis, Melvindale, MI 48122. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Transporting *medical materials, equipment and supplies*, between Detroit, MI and Toledo, OH.

MC 154275, filed February 3, 1981. Applicant: HOPPEL ENTERPRISES, INC., P.O. Box 2470, 13290 E. Liverpool Rd., East Liverpool, OH 43920. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *petroleum, natural gas and their products*, between points in Crawford, McKean and Venango Counties, PA, and Hancock and Pleasants Counties, WV, on the one hand, and, on the other, points in the U.S.

FF 485 (Sub-2), filed January 29, 1981. Applicant: AIR VAN LINES INTERNATIONAL, INC., 8151 Occidental Ave., South, P.O. Box 3725, Seattle, WA 98108. Representative: Robert R. Brinker, Suite 1100, 1660 L St., NW., Washington, D.C. 20036. To operate as a *freight forwarder*, in interstate commerce, transporting (1) *used household goods, and unaccompanied baggage and* (2) *used automobiles*, between points in HI, on the one hand, and, on the other, points in the U.S., restricted in (2) above to the transportation of export-import traffic.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7338 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPV-11

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 154186, filed February 9, 1981. Applicant: TMJ, INC., 68 Liberty St., Metuchen, NJ 08840. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234-0301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7341 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly

noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-032

Decided February 26, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

Applicant: HTC, INC., d.b.a. HERCULES TRUCKING, 999 Pontiac Avenue, Cranston, RI 02920. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375, (212) 793-1400. Transporting *general commodities* (except classes A and B explosives), between Providence, RI, on the one hand, and, on the other, points in NH and ME.

MC 129262 (Sub-7F), filed February 2, 1981. Applicant: AYERS AND MADDUX, INC., 144 Escalada Drive, P.O. Box 1848, Nogales, AZ 85621. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Transporting *machinery* between points in the U.S., on the one hand, and, on the other, points on the international boundary line between the U.S. and the Republic of Mexico, in foreign commerce only.

MC 140053 (Sub-5), filed February 5, 1981. Applicant: TRK TRANS, INC., 3200 Bandini Blvd.,Vernon, CA 90023. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with MSA/LAMDA, INC., of Los Angeles, Ca.

MC 151703 (Sub-6), filed February 2, 1981. Applicant: NORSUB, INC., R.D. No. 1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting (1) *metal products*, (2) *building materials* and (3) *rubber and plastic products* between points in Fayette County, IN, Clermont County, OH, San Joaquin County, CA, and Beaver County, PA, on the one hand, and, on the other, points in the U.S.

MC 152343 (Sub-1), filed January 30, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Town Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *metal products*, between points in Ozaukee County, WI, on the one hand, and, on the other, points in MI.

MC 154102, filed February 5, 1981. Applicant: EDWIN J. BOERMAN d.b.a. BOERMAN MOVING & STORAGE, 9345 Southview Ave., Brookfield, IL 60513. Representative: Barry Roberts, 888 17th St., NW., Washington, DC 20006. Transporting *household goods*, between points in AZ, IL, IN, MI, and WI.

MC 154162, filed February 2, 1981. Applicant: BLUE TRANSPORT, INC., 672 Harmon Plaza, Columbus, OH 43223. Representative: Owen B. Katzman, 1828 L St., NW, Ste. 1111, Washington, DC 20036, (202) 296-2728. Transporting *metal products, and machinery*, between points in Haywood County, TN, Macon County, IL, and Sunflower County, MS, and points in OH, on the one hand, and, on the other, points in the U.S.

MC 154182, filed January 30, 1981. Applicant: PETROLEUM TRANSPORT, INC., P.O. Box 31, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting *petroleum and petroleum products*, between TX and NM.

MC 154243, filed February 6, 1981. Applicant: KOPECKY CORPORATION, 606 N. Euclid Avenue, P.O. Box 5628, San Diego, CA 92105. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *Passengers and their baggage*, in round trip charter and special operations, beginning and ending at San Diego County, CA, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7342 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–033

Decided: February 25, 1981.

By the Commission, Review Board No. 1, members Carleton, Joyce, and Jones.

MC 110563 (Sub-320), filed January 29, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Victor J. Tambascia (same address as applicant), (513) 492–6181. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret material, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–7340 Filed 3–6–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 33]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 3, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 41098 (Sub-56)X, filed February 18, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Suite 301, Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 42, 49F, and 50F certificates, and permit No. MC–144860 Sub-No. 1F to (1) broaden its commodity descriptions (A) in Sub-No. 42, from new furniture, and furnishings, and new store, restaurant, household, hospital, institutional, and office fixtures and equipment, to "furniture and fixtures, machinery and furnishings," and from new floor covering, carpet and padding, to "textile mill products," and, (B) in Sub-Nos. 49F, 50F, and permit No. MC–144860 Sub-No. 1, from golf carts and industrial vehicles, and parts and attachments, and, helicopters and parts for helicopters, to "transportation equipment"; (2) in each certificate, change its one-way authority to radial authority between several specified States in the U.S., and replace cities or specified plantsites with county-wide authority: (A) in Sub-No. 42, part (II)(a), Allentown, PA, with Lehigh County, PA, Brockport, NY, with Monroe County, NY, Ashland, MA with Middlesex County, MA, Asheboro, NC, with Randolph County, NC, Ontario and San Leandro, CA, with San Bernardino and Alameda Counties, CA, Tukwila, WA, with King County, WA; in part (II)(b), Seattle and Tukwila, WA, with King and Seattle Counties, WA, Ontario, CA, with San Bernardino County, CA, Grand Prairie, TX, with Dallas County, TX, Lenexa, KS, with Johnson County, KS, Broadview, IL, with DuPage County, IL, Laurel, MD, with Prince Georges County, MD, Edison, NJ, with Middlesex County, NJ, and Columbus, OH, with Franklin County, OH; in part (II)(c), Jackson and Canton, MI, with Jackson and Plymouth Counties, MI, Alamogordo, NM, with Otero County, NM; in part (II)(d), St. Cloud, MN, with Stearns County, MN, Mansfield, OH, with Richland County, OH, Heron, IL, with Williamson County, IL; in part (III) (a) and (c), Dalton and Cartersville, GA, with Whitfield and Bartow Counties, GA; (B) in Sub-No. 49F, Anaheim, CA, with Orange County, CA; (C) in Sub-No. 50F, Redlands, CA, with San Bernardino County, CA; and (D) in permit No. MC–144860 Sub-No. 1, authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 98952 (Sub-81)X, filed February 19, 1981. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, IL 62526. Representative: Phillip W. Edmiston (same as applicant). Applicant seeks removal of restrictions in its Sub-Nos. 20, 22, 28, 29, 36, 39, 41, 45, 47, 48, 50, 52F, 54F, 55F, 57F, 58F, 63F, 68F, 69F, 70F, 73F, 74F, 78F, and 79F certificates, to broaden some commodity descriptions, substitute county-wide authority in place of specified cities and plantsites, and change one-way service to authorize radial service in its irregular-route authority, as follows: in Sub-No. 20 sheet 2, from canned foods to "food and related products," between Tipton and Miami Counties, IN (Tipton and Peru, IN) Indianapolis, IN, and Sagamon, McLean, and Knox Counties, IL (Springfield, Bloomington, and Galesburg, IL); and, sheet 3 from fruits, vegetables, live and dressed poultry, eggs, and groceries to "food and related products," between St. Louis, MO, and Macon County, IL (Decatur, IL); in Sub-No. 22, from confectioneries to "food and related products, advertising matter, premiums, and display material when shipped in the same vehicle with food and related products," between Macon County, IL, (Decatur, IL), and McCracken, Henderson, and Daviess Counties, KY, (Paducah, Henderson, and Owensboro, KY) and part of IN; in Sub-No. 28, between Knox County, IL, (facilities near Galesburg, IL) and points in IA and MO; in Sub-No. 29, from confectioneries, in vehicles equipped with mechanical refrigeration, to "food and related products," between Du Page County, IL (facilities at Carol Stream, IL) McCracken, Henderson, Daviess, and Jefferson Counties, KY, (Paducah, Henderson, Owensboro, and Louisville, KY) and points in IN; in Sub-No. 36, between Macon County, IL, (facilities at Decatur, IL) and Kansas City, KS, and points in 10 States; in Sub-No. 39, between Chicago, IL, (facilities in the Chicago, IL commercial zone) and points in IN, and Henderson, Daviess, and McCracken Counties, KY (Henderson, Owensboro and Paducah, KY); in Sub-No. 41, from alcohol, in bulk, to

"commodities in bulk," between Macon County, IL, (facilities at Decatur, IL) and points in the United States; in Sub-No. 45, from confectionery and foodstuffs, except in bulk, in vehicles equipped with mechanical refrigeration, to "food and related products," between Chicago, IL, Du Page County, IL, (facilities at Chicago and Carol Stream, IL) and points in OH and KY; in Sub-No. 47, from candy to "food and related products," between Tipton County, TN, (facilities near Covington, TN) and points in eight States; in Sub-No. 48, from chemicals (with restrictions) to "commodities in bulk (except liquified natural gas) in tank or hopper-type vehicles," between Douglas County, IL (Tuscola, IL), points in UT, and points in the U.S. on and east of U.S. Hwy 85; in Sub-No. 50, between Rock, Dodge, Milwaukee, Green, and Waupaca Counties, WI, (Deloit, Mayville, Milwaukee, Monroe, and Waupaca, WI) and Daviess, McCracken, Henderson and Jefferson Counties, KY (Owensboro, Paducah, Henderson, and Louisville, KY), points in IN, part of IL, Jefferson County, MO (De Soto, MO) and seven other counties in MO; in Sub-No. 52, from foodstuffs, except in bulk, in mechanically refrigerated equipment to "food and related products, except in bulk," between Scott County, IA, (facilities near Bettendorf, IA) and points in seven States and TN, except Memphis, TN; in Sub-No. 54F, from foodstuffs, candy and confectionery to "food and related products, except commodities in bulk," between Chicago, IL, (facilities in Chicago, IL) and points in IN, KY, MO and OH; in Sub-No. 55F, from foodstuffs, except commodities in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration, to "food and related products," between Bradley County, TN, (Cleveland, TN) and points in seven States; in Sub-No. 57F, between Coles County, IL, (facilities near Mattoon, IL), Franklin County, OH, (Columbus, OH), and points in the U.S. on and east of U.S. Hwy 85; in Sub-No. 58F, from frozen foods, in vehicles equipped with mechanical refrigeration, to "food and related products," between Chicago, IL, (facilities at Chicago, IL) and points in six States; in Sub-No. 63F, from foodstuffs, cleaning compounds, and toilet preparations, except commodities in bulk, in vehicles equipped with mechanical refrigerations, to "cleaning compounds and toilet preparations, except commodities in bulk," between Chicago, IL, (facilities near Chicago, IL) and points in four States; in Sub-No. 68F, between Cincinnati, OH, (facilities near Cincinnati, OH) and points in three States; in Sub-No. 69F, from foodstuffs, except in bulk, to "food and related products," between McHenry County, OH, (facilities near Napoleon, OH) and points in eight States; in Sub-No. 70F, from foodstuffs to "food and related products, except commodities in bulk," between Kansas City, MO, (facilities near Kansas City, MO) and points in eight States; in Sub-No. 73F, from chemicals, except liquified natural gas and polyethylene resins, to "commodities in bulk, except liquified natural gas, between Douglas County, IL (Tuscola, IL), and points in the U.S. west of U.S. Hwy 85, except UT; in Sub-No. 74F, between Morgan County, IL, (Jacksonville, IL) and points in nine States; in Sub-No. 78F, from foodstuffs, in mechanically refrigerated equipment, except in bulk, to "food and related products," between Jefferson County, KY, (facilities in Louisville, KY) and points in seven States; in Sub-No. 79F, from confectionery and confectionery products, in mechanically refrigerated equipment, except in bulk, to "food and related products," between Cincinnati, OH, (facilities near Cincinnati, OH) and points in two States. It also seeks to remove restrictions to the transportation of traffic originating at the named origins and destined to the named destinations in Sub-Nos. 28, 36, 39, 41, 45, 48, 50, 52, 54F, 55F, 57F, 58F, 63F, 68F, 69F, 70F, 73F, 74F, 78F and 79F, remove restrictions against the transportation of commodities in bulk, and/or in vehicles equipped with mechanical refrigeration in Sub-Nos. 36, 39, and 50, and remove exception against service to IL; AK and HI in Sub-No. 41.

MC 10674 (Sub-169)X, filed February 18, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221-S, Forest City, NC 28043. Representative: Larry Lawing (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 34, 55, 61F, 74F, 75F, 80F, 81F and 82F certificates to (1) broaden the commodity descriptions to (a) "containers and container closures", from cans and can ends in Sub-No. 34, and metal containers and closures and accessories for metal containers (except tank and hopper containers) in Sub-No. 74F; (b) "building materials" from insulating material (except in bulk) in Sub-No. 55; and, (c) "food and related products" from meats, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk) in Sub-Nos. 61F, 75F, and 81F, and from frozen foods in Sub-No. 80F, (2) replace named plantsites in specified cities with county-wide authority: Marshall County, IN, for Plymouth, IN in Sub-No. 34; Mesa County, CO, for Fruita, CO and Lincoln County, LA for Grambling, LA in Sub-No. 55; Freeborn County, MN, for Albert Lea, MN in Sub-No. 61F; Buchanan County, MO, for St. Joseph, MO in Sub-No. 74F; Montcalm County, MI, for Greenville, MI in Sub-No. 80F; Linn and Polk Counties, IA, for Cedar Rapids and Des Moines, IA in Sub-No. 81F; Appomattox and Campbell Counties, VA, for Appomattox and Brookneal, VA, and, Guilford County, NC, for Pleasant Garden, NC, in Sub-No. 82F. Applicant also seeks to (1) expand its one-way authority to radial authority between specified cities or counties in 7 central and 2 eastern States, and points in numerous specified States or cities throughout the U.S. and D.C. in the numbers above, (2) remove the restrictions limiting service to the transportation of traffic originating at or destined to named destinations in Sub-Nos. 61F, 80F, and 81F, and (3) remove the exceptions of AK, HI and in some instances the origin states from its nationwide authority in Sub-Nos. 55 and 82F.

MC 111231 (Sub-342)X, filed February 13, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 66, 149, 155, 194, 201, 221, 225, 240F, 254F, 258F, 260F, 272F, 274F, 279F, 286F, 309F, 341F, 317F, 323F and 324F certificates to (1) broaden the commodity description in all the above authority to "building materials, and, lumber and wood products," from composition building boards, lumber, posts, poles or piling, millwork, and pallets, wood products, roofing and roofing materials, lumber products, asbestos siding, asphalt, insulation materials, and wallboard; (2) broaden the territorial descriptions to county-wide authority: in Sub-Nos. 66, 225, and 309F, Washington, Jones and Lauderdale Counties, MS for Greenvile, Laurel and Meridian, MS; in Sub-Nos. 221 and 240F, Shelby County, TN for Memphis, TN; in Sub-Nos. 149 and 221, Jasper, Butler and Oregon Counties, MO, for Joplin, Poplar bluff, and Alton, MO; in Sub-No. 221, Quachita, Washington, Crittenden, and Sebastian Counties, AR, for Camden, Springdale, West Fork, West Memphis, and Fort Smith, AR; in Sub-Nos. 221 and 260F, Galveston, Harris and Dallas Counties, TX, for Galveston, Houston and Dallas, TX; and in Sub-Nos. 272F, 279F, 309F and 323F, Pottawatomie, Oklahoma and Lincoln Counties, OK, for Shawnee, Oklahoma City and Stroud, OK; (3) in all certificates (except Sub-

Nos. 260F, 286F, 309F, 314F, 317F and 324F) authorize radial service between various specified points in the U.S. and (4) in Sub-Nos. 149, 155, 194, 201, 221, 240F, 254F, 260F, and 309F, remove restriction limiting service to the transportation of traffic (a) originating at and or destined to named shippers' facilities, and (b) in Sub-No. 221, to shipments having a prior movement by water and (5) remove the AK and HI exceptions in Sub-Nos. 317F and 323F.

MC 115092 (Sub-127)X, filed February 2, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. Applicant seeks to remove restrictions in its Sub-Nos. 9, 24, 40, 67F, 71F, and 78F, certificates to (1) broaden the commodity descriptions as follows: in Sub-No. 9 from well-servicing equipment and supplies and drilling parts and supplies (except drilling rigs) to "Mercer commodities"; in Sub-Nos. 24, 40, 67 and 71, from bentonite, bentonite, in bags, in bulk, in tank vehicles, lignite coal and treated lignite to "clay products" and "coal and coal products"; in Sub-No. 24 from water impedance boards to "building materials" and in Sub-Nos. 24 and 71 from foundary molding sand treating compounds and drilling mud additives to "chemicals and related products"; (2) broaden the territorial scope by replacing named facilities with county-wide authority: Belle Fourche with Butte County, SD and Lovell and Upton with Big Horn and Weston Counties, WY in Sub-No. 24; Belle Fourche with Butte County SD, in Sub-No 40; Malta with Phillips County, MT and facilities at Crook County, with Crook County, WY in Sub-No. 67F; Greybull with Big Horn County, WY and facilities at Sweetwater County with Sweetwater County, WY in Sub-No. 71F; and Plum with Fayette County, TX in Sub-No. 78F; (3) replace one-way with radial authority between the counties named in (2) and mainly points in western and southern states in all of the authorities; (4) remove restrictions limiting traffic originating at or destined to named facilities in Sub-Nos. 9, 24, 67F, 71F and 78F; and (5) delete the exception of AK and HI on its nationwide grant in Sub-No. 78F.

MC 116838 (Sub-77)X, filed February 20, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. 18th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 26F and 28F certificates to (1) broaden the commodity description from (a) plastic pipe, and fittings to "rubber and plastic products" in both Sub-Nos. (b) fire hydrants, and valves to "metal products" in Sub-No. 26F; (2) delete the "in bulk, in tank vehicle" commodity restriction in both Sub-Nos. and (3) authorize radial service in lieu of existing one-way authority and replace county-wide authority for city authority: between Upshur County (for Buckhannon, WV) and points in the U.S. in and east of MT, WY CO, and NM (except WV), and between Ottawattamie County (for Council Bluffs, IA), and points in 14 western and midwestern States, in Sub-No. 28F.

MC 127524 (Sub-29)X, filed February 20, 1981. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart Street, Rahway, NJ 07065. Representative: David L. Middleton, 1603 Hart Street, Rahway, NJ 07065. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from chemicals, in bulk (except liquefied petroleum gas) to "commodities in bulk (except liquefied petroleum gas)"; (2) broaden the territorial scope by replacing one-way authority with radial and replacing its terminal, in North Bergen, NJ, with county-wide authority, as follows: between points in Hudson County, NJ and points in NJ; points in named Counties in NY and New York, NY; points in named Counties in CT, DE, and PA; and (3) remove the restriction limiting traffic to that having a prior movement by rail.

MC 133591 (Sub-139)X, filed Feb 19, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 96F certificate to (1) broaden the commodity description from containers, dishes, plates, napkins, and plastic articles in part (1) to "Such Commodities as are dealt in or used by manufacturers of containers, plastic articles and paper and paper products" and from glass products in part (2) to "Such Commodities as are dealt in or used by manufacturers of glass and glass products" (2) replace the city-wide territorial description with county-wide authority; Springfield, MO with Greene County, MO, Mexia, TX with Limestone County, TX, and Barnstorm, KY, with Nelson County, KY, and (3) replace one-way authority with radial authority between Greene County, MO, Limestone County, TX, and Nelson County, KY, Toledo, OH and Riverside, CA, and, points in 30 named states in part (1) and between Los Angeles, CA, Shreveport, LA, and Toledo, OH, and, points in 25 named states in part (2).

MC 140363 (Sub-18)X, filed February 19, 1981. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, LA 70075. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5, 11, 12, 13, 14, 15 and 17F certificates to (1) broaden the commodity description from (a) coke and coal to "coal and coal products" in Sub-Nos. 2, 11, 13 and 14, (b) clam and oyster shells, including mixtures with sand, in Sub-Nos. 3 and 5, and sand, gravel, lime, limestone in Sub-No. 12 and ores in Sub-No. 13 to "ores and minerals" (c) alloys to "metal products" in Sub-No. 13, (d) aluminum fluoride to "chemicals and related products" in Sub-No. 17, (2) eliminate the in bulk, in dump vehicle or dump truck exceptions in all referenced Sub-Nos., (3) authorized radial service in lieu of existing one-way authority in Sub-Nos. 2, 3, 5, 11, 12, 13 and 17, (4) eliminate the restriction limiting transportation to shipments having a prior movement by water in Sub-No. 13, (5) broaden the territoral description by replacing city-wide with county-wide authority: Lamar County for Purvis, MS, in Sub-No. 2; Lamar County for Purvis, MS, and Blount County for Alcoa, TN, in Sub-No. 11; Ascension County for Geismar, LA, in Sub-No. 17 and (6) eliminate the restriction against the transportation of lime from New Orleans, LA, and the facilities of a named company at Amelia, LA, to points in MS in Sub-No. 12.

MC 142559 (Sub-165)X, filed February 17, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 20, 23, 24, 25, 27, 28, 31, 32, 34, 35, 36, 37, 41, 42, 44, 45, 46, 47, 50, 51, 53, 57, 58, 60, 63, 64, 65, 68, 69, 70, 71, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, certificates to (1) broaden the commodity description from (a) water heaters, parts, and accessories, air conditioners, air coolers, furnaces, heating equipment, fans, heaters, heat, heat recyclers, vacumn cleaners, household compactors, door chimes, range hoods, water storage tanks, gas and electric appliances, scales, power transmission machinery, motors, motor controllers, elevators, escalators, food processing equipment, telecommunication equipment, welders,

welder systems, audio electronic products to "machinery" in Sub-Nos. 1, 4, 8, 11, 13, 25, 31, 36, 71, 76, 85, 96, 106, 108, 109, 131, 133, 151, (b) tires and tubes, plastic articles, lawn and garden care products, rubber and rubber products, plastic flakes, plastic granules, plumbing fixtures, plastic powder, plastic carpeting, liquid plastic to "rubber and plastic products", in Sub-Nos. 3, 23, 44, 50, 51, 68, 69, 110, 114, 115, 143, (c) general commmodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 146, (d) wheels and shock absorbers, couplers, auto materials and supplies, bicycles, to "transportation equipment" in Sub-Nos. 3, 9, 42, and 70, (e) agricultural limestone and gypsum, hot tops, glass containers, television picture tube products, fireplaces, glazed clay tiles to "clay, concrete, glass, or stone products" in Sub-Nos. 6, 7, 28, 41, 73, 154, (f) valves, insulators, clamps, arresters, switches, poles, harps, range splash plates, roof cappings, foil, television picture tubes, plumbing fixtures, overhead door sections, heaters and ventilators, grills, automotive accessories, to "metal products" in Sub-Nos. 9, 13, 14, 41, 44, 73, 102, 107, 114, (g) furniture, fireplace logs, knocked down buildings, to "lumber and wood products" in Sub-Nos. 10, 25, 45, 63, (h) wrapping paper, paper bags, paper products, woodpulp, to "pulp, paper, and related products" in Sub-Nos. 14, 23, 27, 47, 64, 65, 77, 84, 104, 132, (i) malt beverages, animal feed, chewing gum, candies, cough drops, flavoring syrup, foodstuffs, to "food and related products" in Sub-Nos. 24, 32, 34, 35, 57, 58, 60, 99, (j) personal care products, fuel additives, glass cleaner, fertilizer, lawn and garden care products, soap, deodorants, disinfectants, welding compounds, sealing compounds, to "chemicals and related products" in Sub-Nos. 34, 37, 46, 68, 74, 106, 109, 110, (k) lubricant additives, charcoal briquetts, oil conditioners, to "petroleum, natural gas and their products" in Sub-Nos. 37, 45, 74, (l) marble chips to "ores and minerals" in Sub-No. 46, (m) sporting goods, games, toys, athletic clothing, to "miscellaneous products of manufacturing" in Sub-No. 53, (n) life preservers to "instruments and photographic goods" in Sub-No. 53, (o) carpets, wearing apparel and automotive accessories to "textile mill products" in Sub-Nos. 83, 111, and 114; (2) authorize radial authority in place of existing one-way service in Sub-Nos. 3, 4, 6, 7, 8, 9, 10, 13, 14, 20, 23, 24, 25, 27, 28, 31, 34, 36, 37, 42, 44, 45, 46, 50, 51, 53, 63, 71, 73, 76, 83, 146; (3) eliminate restrictions against service to AK, HI, in some instances and the origin State, where service is authorized to points in the U.S. in Sub-Nos. 1, 4, 32, 36, 50, 57, 63, 69, 70, 74, 84, 85, (4) delete the originating at and/or destined to named origins in Sub-Nos. 1, 3, 14, 25, 32, 34, 47, 50, 57, 58, 60, 64, 65, 77, 83, 84, 106, 108, 109, (5) remove the exceptions of "in bulk, in tank vehicles, those requiring special equipment" or other similar restrictions in Sub-Nos. 1, 4, 6, 13, 25, 32, 35, 36, 37, 41, 44, 46, 47, 50, 51, 57, 58, 60, 64, 65, 68, 69, 72, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, (6) replace city wide with county-wide authority: Barry County for Middleville, MI, in Sub-No. 1; Montgomery County for Montgomery, PA, in Sub-No. 3; Breckenridge County for Irvington, KY, in Sub-No. 6; Ashtabula County for Conneaut, OH, in Sub-No. 7; Richland and Summit Counties, OH, for Mansfield and Barberton, OH, and Hancock County for Newell, WV, in Sub-No. 9; Ellis County for Ennis, TX, and Shelby County for Simpsonville, KY, in Sub-No. 10; Middlesex County for Edison, NJ, in Sub-No. 11; Washington County for Hartford, WI, Scranton County for Old Forge, PA, Pulaski and Craighead Counties, AR, for Jacksonville and Jonesboro, AR, Hall County for Gainesville, GA, Allen County for Fort Wayne, IN, Wilkes County for Wilkesboro, NC, Coshocton County for West Lafayette, OH, in Sub-No. 13; Buncombe County for Asheville, NC, Cuyahoga County for Chagrin Falls, OH, in Sub-No. 14; Bergen County, NJ, for Elmwood Park, NJ, in Sub-No. 20; Panola and Greegg Counties for Carthage and Gladwater, TX, in Sub-No. 23; Houston County for Pabst, GA, in Sub-No. 24; Kankakee County for Kankakee, IL, McMinn County for Athens, TN, Rusk County for Henderson, TX, Cheatham County for Ashland City, TN, in Sub-No. 25; Mobile County for Mobile, AL, Cumberland County for Westbrook, ME, Washington County for Fort Edward, NY, in Sub-No. 27; Vigo County for Terre Haute, IN, Monmouth County for Cliffwood, NJ, Houston County for Warner Robins, GA, Scott County for Shakopee, MN, in Sub-No. 28; Coles County for Mattoon, IL, Reno County for Hutchinson, KS, in Sub-No. 32, New Haven County for Orange, CT, Lancaster County for Lititz, PA, in Sub-No. 34; Oneida County for Utica, NY in Sub-No. 36; Worcester County for Worcester, MA, Gloucester County for Paulsboro, NJ, in Sub-No. 37; Pickaway County for Circleville, OH and Scranton County for Dunmore, PA, in Sub-No. 41; Hunterdon County for Flemington, NJ, Fairfield County for Winnsboro, SC, and Wayne County for Dearborn, MI, in Sub-No. 42; Knox County for Abingdon, IL, and Crawford County for Robinson IL, in Sub-No. 44; Marion County for Marion, IL, in Sub-No. 45; Lancaster County for Lancaster, PA, Sussex County for Newton, NJ, and Crawford County for Crestline, OH, in Sub-No. 46; Wayne and Lake Counties for Rittman and Mentor, OH, in Sub-No. 47; Polk and Bartow Counties for Cedartown, Rockmart and Cartersville, GA and Morgan and Jackson Counties for Decatur and Scottsboro, AL, in Sub-No. 50; Macomb and Wayne Counties for Dearborn and Warren, MI in Sub-No. 51; Ashland and Lorain Counties for Ashland and Wellington, OH, in Sub-No. 53; Smith County for Lindale, TX, in Sub-No. 57; Montgomery County for Canajoharie, NY, in Sub-No. 58; Middlesex County for Lowell, MA, in Sub-No. 60; Warren and Pascagoula Counties for Ridewood and Mass Point, MS, Mobile County for Mobile, AL, and Georgetown County for Georgetown, SC, in Sub-No. 64; Ouachita and Jefferson Counties for Camden and Pine Bluff, AR, Webster County for Springhill, LA, and Adams County for Natchez, MS, in Sub-No. 65; Union County for Marysville, OH, in Sub-No. 68; Dallas County for Irving, TX, in Sub-No. 69; Dade County for Miami, FL, DuPage County for Bensenville, IL, Los Angeles County for Long Beach, CA and Erie County for Buffalo, NY, in Sub-No. 70; Lackawanna County for Scranton, PA, in Sub-No. 73; Summit County for Barberton, OH in Sub-No. 74; Anderson County for Lawrenceburg, KY, St. Joseph County for Mishawaka, IN, Greenville and Spartanburg Counties for Greenville and Spartanburg, SC, Hawkins County for Rogersville, TN, Columbiana County for Columbiana, OH, in Sub-No. 76; Hampden County for Holyoke, MA, Coles County for Mattoon, IL, and Tarrant County for Grapevine, TX, in Sub-No. 77; Mercer County for Trenton, NJ, Marion County for Columbia, MS, and Bedford County for Shelbyville, TN in Sub-No. 83; Worcester County for Gardner, MA, in Sub-No. 84; Morgan County for Decatur, AL, in Sub-No. 85; Coffee County for Douglas, GA, in Sub-No. 99; Butler County for Hamilton, OH in Sub-No. 104; La Puente and Los Angeles Counties for City of Industry and Santa Fe Springs, CA, in Sub-No. 106; Orange County for Fullerton, CA and Obion County for Union City, TN, in Sub-No. 107; San Bernadino County for Ontario, CA, Monroe County for Brockport, NY, Randolph County for Asheboro, NC, Lehigh County for Allentown, PA, in Sub-No. 108;

McLennan County for Waco, TX, Montgomery County for Dayton, OH, La Puente and Imperial Counties for City of Industry and Calexico, CA, in Sub-No. 110; El Paso County for El Paso, TX in Sub-No. 111; Le Sueur County for Waterville, MN, in Sub-No. 114; Wood County for North Baltimore, OH, in Sub-No. 115; Middlesex County, for Edison, Woodbridge, Avenel and Metuchen, NJ, in Sub-No. 131; Wilmington County for Stanton, DE, in Sub-No. 132; Smith County for Tyler, TX, in Sub-No. 133; Howard County for Big Springs, TX, Calcasieu County for Lake Charles, LA in Sub-No. 143; Chesterfield County for McBee, SC, in Sub-No. 151; and Anderson County for Lawrenceburg, KY, in Sub-No. 154.

MC 144810 (Sub-7)X, filed February 20, 1981. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM 87532. Representative: Roger V. Eaton, 20 First Plaza, Suite 405, Post Office Drawer 965, Albuquerque, NM 87103. Applicant seeks to remove restrictions from its Sub-No. 5F permit to (1) broaden the commodity description from plastic containers, materials and supplies used in the production and marketing thereof to "rubber and plastic products" and "metal products", and (2) expand its territorial authority to between points in the U.S. under contract with a named shipper.

MC 145088 (Sub-8)X, filed February 20, 1980. Applicant: S & T TRUCKLOAD, INC., P.O. Box 4408, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its MC-146764 Sub-No. 2F permit to broaden the territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-7332 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 2, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-7

Decided February 27, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 15546 (Sub-2), filed February 23, 1981. Applicant: KIRCHWEHM BROS. CARTAGE, CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603, (312) 236-0548. Transporting *such commodities* as are dealt in or used by food, grocery, and drug business houses, between points in the U.S., under continuing contract(s) with Procter & Gamble Distributing Co., of Cincinnati, OH.

MC 59666 (Sub-7), filed February 9, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02806. Representative: A. Joseph Mega (same address as applicant) (401) 724-1200. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Eastern Color & Chemical Company of Providence, RI.

MC 124306 (Sub-87), filed February 12, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, #502, 1000 16tht St., N.W., Washington, DC. 20036 (202) 783-8131. Transporting *chemicals and related products*, between points in Kankakee County, IL, points in Gloucester and Middlesex Counties, NJ, points in Licking County, OH, points in Lexington County, SC, and points in Denton County, TX.

MC 134806 (Sub-72), filed February 20, 1981. Applicant: D-D-R TRANSPORT, INC., P.O. Box 1277, Vernon, Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014 (301) 986-9030. Transporting *skis and skiing equipment and accessories*, between points in the U.S., under continuing contract(s) with Olin Ski Company, Inc., of Middletown, CT.

MC 136786 (Sub-243), filed February 23, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Edina, MN 55424 (612) 927-8855. Transporting *pulp, paper and related products*, between points in Yamhill and Clackamas Counties, OR, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, UT, and WA.

MC 138536 (Sub-3), filed February 9, 1981. Applicant: METROPOLITAN VAN AND STORAGE, INC., P.O. Box 829, 417 Main St., Martinez, CA 94553. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235-1111. Transporting *such commodities* as are dealt in, used or stored by petroleum product

distributors, including historical records, between points in the U.S.

MC 139906 (Sub-145), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transporting *food and related products*, between points in OR, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-15), filed February 20, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, P.O. Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *food and related products*, between points in Fresno County, CA, Morgan County, IL, Gibson County, TN, Grayson County, TX, Dodge, Greene, and Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-12), filed February 23, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *such commodities* as are dealt in or used by discount and variety stores, between the facilities of Wal-Mart Stores, Inc., and its affiliates, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151996 (Sub-1), filed February 23, 1981. Applicant: M & S TRANSPORTATION, INC., Rt. 3, Box 5, Lonoke, AR 72086. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201 (501) 375–3022. Transporting *food and related products*, between points in Jefferson County, CO, and points in AR, TN, LA, and MS.

MC 154366, filed February 23, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *farm products*, between points in MN, IA, and IL, on the one hand, and, on the other, points in Dane and Iowa Counties, WI.

Volume No. OPY–9

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 107496 (Sub-1280), filed February 10, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 139906 (Sub-144), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in or used by manufacturers of recreational, leisure, and sports equipment, between points in Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 153806 (Sub-1), filed February 10, 1981. Applicant: BILL McKEEN TRUCKING LIMITED, 1709 County Road 46, Comber, Ontario, CD NOP 1J0. Representative: W. Walter Travis, P.O. Box 774, Chatham, Ontario, CD N7M 5L1. Transporting (1) *furniture and fixtures*, between the ports of entry on the international boundary line between the U.S. and Canada in Wayne County, MI, on the one hand, and, on the other, points in FL, SC, and NC, and (2) *clay, concrete, glass or stone products*, between the ports of entry on the international boundary line between the U.S. and Canada in Wayne County, MI, on the one hand, and, on the other, points in FL, IN, and IN.

Volume No. OPY–10

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 99656 (Sub-5), filed February 10, 1981. Applicant: IDDINGS TRUCKING, INC., State Rt. 60, Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH (614) 228–8575. Transporting (1) *commodities in bulk* between points in Washington County, OH, on the one hand, and, on the other, points in OH, and (2) *general commodities* (except classes A and B explosives), between points in Noble, Morgan, Muskingum, and Guernsey County, OH, on the one hand, and, on the other, points in OH.

MC 100666 (Sub-539), filed February 10, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 113106 (Sub-106), filed February 19, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street NW., Washington, DC 20005, (202) 342–8600. Transporting *such commodities* as are dealt in and distributed by food business houses, between the facilities of Purex Corporation, in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, OK, and TX.

MC 117786 (Sub-130), filed February 18, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *printed matter*, between points in Montgomery County, OH, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-143), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic articles, between points in the U.S.

MC 141136 (Sub-4), filed February 9, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC Canada V5C 4H6. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055 (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between ports of entry on the International boundary line between Canada and the U.S. in ID, MT, and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 144756 (Sub-8), filed February 9, 1981. Applicant: DEDICATED TRUCKING CORP., P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Bldg. Renton, WA 98055, (206) 235–4700. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Centennial Mills, Division of Univar, of Portland, OR.

MC 147196 (Sub-13), filed February 10, 1981. Applicant: ECONOMY TRANSPORT, INC., 1205 St. Louis St., New Orleans, LA 70150. Representative: Donald A. Larousse (same address as applicant), (504) 524–2411. Transporting *metal products*, between points in the U.S., under continuing contract(s) with National Flange & Fitting Company of Houston, TX.

MC 147216 (Sub-4), filed February 12, 1981. Applicant: CARL KLEMM, INC. P.O. Box W197, 1126 Terry Lane, De Pere, WI 54115. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum products, natural gas and their products,* between points in Brown County, WI and Baraga County, MI.

MC 146226 (Sub-8), filed February 12, 1981. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830, (814) 765–9611. Transporting *general commodities* (except classes A and B explosives), between the facilities of Westvaco Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150976, filed February 19, 1981. Applicant: ADAMS MOTORS, INC., 1930 E. 13th St., Ames, IA 50010. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *transportation equipment,* between points in Cook County, IL and Lancaster County, NE, on the one hand, and, on the other, points in the U.S.

MC 151226 (Sub-1), filed February 9, 1981. Applicant: MACK'S WRECKER SERVICE AND AUTO REPAIR, INC., 112 North 11th St., West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *transportation equipment,* (1) between points in Shelby County, TN, and Crittenden County, AR, on the one hand, and, on the other, points in the U.S., and (2) between points in AR, TN, MS, AL, LA, TX, OK, MO, IL, IN, KS, and KY.

MC 152266 (Sub-2), filed February 19, 1981. Applicant: ABC EXPRESS, INC., P.O. Box 890, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in Bartow, Catoosa, Clayton, Cobb, DeKalb, Douglas, Fulton, Gordon, Gwinnett, Rockdale and Whitfield Counties, GA, on the one hand, and, on the other, points in KY and TN.

MC 153996 (Sub-1), filed February 10, 1981. Applicant: FAUCHER BROS., CARTAGE, INC., 223 West Ontario St., Chicago, IL 60610. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *printed matter,* between points in the U.S., under continuing contract(s) with Distribution Development, Inc., of Sarasota, FL.

MC 154136, filed February 9, 1981. Applicant: SUN LINE CORPORATION, P.O. Box 145, Burns Flat, OK 73624. Representative: Lonnie C. Freels (same address as applicant), (405) 562–3374. Transporting. *Mercer commodities,* between points in Washita County, OK, on the one hand, and, on the other, points in AL, AK, AZ, AR, CA, CO, FL, GA, ID, KS, LA, MS, MO, MT, NE, NV, NM, ND, OK, OR, TN, TX, UT, WA, and WY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7284 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–8

Decided: February 27, 1981.

By the Commission Review Board No. 2. Members Chandler, Eaton and Liberman.

MC 152676 (Sub-1), filed February 24, 1981. Applicant: BILLY O. HONEYCUTT, d.b.a. HONEYCUTT MOVING & STORAGE, 404 Neal St., Jacksonville, AR 72076. Representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, MO 63101 (314) 241–9333. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7283 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulation. 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.

Amendements to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdicational questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. Op4–56

Decided February 27, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 154166, filed February 2, 1981. Applicant: KENNETH D. McNATT, d.b.a. KENCO TRANSPORTATION SERVICES, 2402 S. Glenbrook Dr., Garland, TX 75041. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. To operate in interstate or foreign commerce, as a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7285 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–051

Decided February 24, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton and Liberman.

MC 5227 (Sub-83), filed February 6, 1981. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *building materials*, between points in DeWitt County, IL, Cobb and Fayette Counties, GA, and Caddo and Bossier Parishes, LA, on the one hand, and, on the other, points in the U.S.

MC 30237 (Sub-45), filed February 5, 1981. Applicant: YEATTS TRANSFER COMPANY, a corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). Transporting *furniture and fixtures*, between those points in the U.S., in and east of WI, IL, MO, AR, and LA.

MC 42487 (Sub-1027), filed February 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities*, (except classes A and B explosives), serving points in Holmes County, OH as off-route points in connection with carrier's otherwise authorized regular route operations.

MC 42487 (Sub-1028), filed February 6, 1981. Applicant: CONSOLIDATED FRIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), serving points in Juab County, UT as intermediate and off-route points in connection with carrier's existing regular-route operations.

Note.—Applicant intends to tack to its existing rights and any authority it may acquire in the future.

MC 63417 (Sub-302), filed February 5, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 89617 (Sub-29), filed February 6, 1981. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, NC, SC, TN, and VA.

MC 98327 (Sub-52), filed February 6, 1981. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Dr., Oakland, CA 94621. Representative: Bruce H. Howe, (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, NV, WA, ID, TX, NM, CO, AZ, and UT.

Note.—Applicant states it intends to tack the requested authority with its regular route authority in MC–98327.

MC 99117 (Sub-3), filed February 2, 1981. Applicant: T. H. RYAN CARTAGE CO., a corporation, 111 South 7th Ave., Maywood, IL 60153. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sueske Brass & Copper Co., of Downers Grove, IL; Elcen Metal Products Company, of Franklin Park, IL; Standard Components Division of Standcomp Incorporated, of Elk Grove Village, IL; Stewart-Warner Corporation, of Chicago, IL; and General Warehouse & Transportation Co., of Melrose Park, IL.

MC 105007 (Sub-74), filed February 5, 1981. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *metal products; machinery; clay, concrete, glass or stone products; lumber and wood products;* and *chemicals*, and *related products*, between points in Freeborn County, MN, on the one hand, and, on the other, points in the U.S.

MC 105007 (Sub-75), filed February 5, 1981. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *food and related products, (1)* between point in IA, MN, NE, WI, and MO, on the one hand, and, on the other, those points in ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, KY, PA, and WV, (2) between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, and (3) between points in Franklin County, OH, and Coles County, IL, on the one hand, and, on the other, points in the U.S

MC 108937 (Sub-70), filed February 2, 1981. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Rd., St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NC, ND, NE, NY, OH, PA, SC, SD, TN, VA, WV, and WI.

MC 117427 (Sub-81), filed February 5, 1981. Applicant: G.G. PARSONS TRUCKING CO., a corporation, P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 119777 (Sub-520), filed February 6, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy. 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *plup, paper and related products*, (4) *chemicals and related products*, (5) *rubber and plastic products*, (6) *machinery*, (7) *containers* and (8) *building and construction materials*, between points in the U.S.

MC 119777 (Sub-521), filed February 4, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in Warren County, KY, on the one hand, and, on the other, points in the U.S.

MC 119777 (Sub-522), filed February 4, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer L, Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in Yellowstone County, MT and those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 123407 (Sub-664), filed February 5, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *lumber and wood products*, between points in MN, on the one hand, and, on the other, points in the U.S.

MC 128117 (Sub-43), filed February 5, 1981. Applicant: NORTON–RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *furniture and fixtures*, between points in VA, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 129987 (Sub-1), filed February 2, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., Jct. IL Hwys. 31 and 176, P.O. Box 424, Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Cargill Salt Division, Cargill, Inc., of Minnetonka, MN, Domtar Industries, Inc., Sifto Salt Division, of Schiller Park, IL, International Salt Company, of Clarks Summit, PA and Morton Salt, Division of Morton-Norwich Products, Inc., of Chicago, IL.

MC 133757 (Sub-4), filed February 5, 1981. Applicant: CAROLINA EAST FURNITURE TRANSPORT INC., P.O. Box 1426, Sumter, SC 29150. Representative: Terrell C. Clark, P.O.

Box 25, Stanleytown, VA 24168. Transporting (1) *furniture and fixtures,* (a) between points in MS, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NC, NJ, NY, PA, SC, VA, and DC, and (b) between points in Nash County, NC and Sumter County, SC, on the one hand, and, on the other, points in KY, and (2) *metal products,* between points in Floyd County, IN, on the one hand, and, on the other, points in GA, NÇ, and SC.

MC 147547 (Sub-13), filed February 5, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37217. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Camp Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149187 (Sub-2), filed February 3, 1981. Applicant: MUD RIVER TRUCKING, INCORPORATED, 1036 West Fifth Ave., Huntington, WV 25704. Representative: John M. Freidman, 3930 Putnam Ave., Hurricane, WV 25526. Transporting (1) *waste or scrap materials not identified by industry producing,* and (2) *hazardous materials,* between points in the U.S. Condition: Any certificate issued here to the extent it authorizes the transportation of hazardous material shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 150707 (Sub-1), filed February 5, 1981. Applicant: CASPER MOBILE HOME SALES, INC., 3501 Flordia Dr., Loveland, CO 80537. Representative: Richard J. Bara, Steele Park, Suite 330, 50 So. Steele St., Denver, CO 80209. Transporting *transportation equipment,* (1) between points in CO, NE, and WY, and (2) between points in (1) above, on the one hand, and, on the other, points in Fairbault County, MN, and points in AZ, KS, MT, NM, NV, OK, ID, SD, TX, and UT.

MC 154127 Sub, filed February 3, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., P.O. Box 67, Rudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *such commodities* as are dealt in or used by food services distributors, between points in Wexford County, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Mid State Fruit, Inc., of Cadillac, MI.

MC 154187, filed February 6, 1981. Applicant: PIKNIK TRANSPORTATION CO., INC., 3806 Day St., Montgomery, AL 36195. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Upchurch Oil & Supply Co., Inc., Hudson-Thompson Inc., Schloss & Kahn, Inc., and Piknik Products Co., and its subsidiaries, all of Montgomery, AL, and Shenandoah Apple Cooperative, of Winchester, VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7398 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-04

Decided February 27, 1981.

By The Commission, Review Board No. 2. Members Chandler, Eaton and Liberman.

MC 76 (Sub-28), filed February 9, 1981. Applicant: MAWSON & MAWSON, INC., Rte. 213 Old Lincoln Hwy, Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting (1) *metal products,* (2) *clay, concrete, glass or stone products,* (3) *lumber and wood products,* and (4) *machinery,* between points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

MC 15936 (Sub-4), filed February 9, 1981. Applicant: SHEANS FREIGHT LINES, INC., 75 Locust St., Medford, MA 02155. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523-0800. Transporting *general commodities* (except classes A and B explosives), between points in CT.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 15936 (Sub-5), filed February 9, 1981. Applicant: SHEANS FREIGHT LINES, INC., 75 Locust St., Medford, MA 02155. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523-0800. Transporting *such commodities* as are used by department

stores and mail order and discount houses, between points in the U.S.

MC 26396 (Sub-391), 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 86501, (402) 475–6761. Transporting *Mercer commodities*, between points in Crawford County, OH, Marathon County, WI, and Venango County, PA, on the one hand, and, on the other, points in CO, ID, IL, KY, LA, MI, MS, MT, NM, ND, OH, OK, SD, TX, UT, WV, WI, and WY.

MC 99136 (Sub-6), filed February 9, 1981. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Rd., Methuen, MA 01844. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), (1) between points in CT, ME, MA, NH, RI, and VT, and (2) between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 129326 (Sub-38), filed February 9, 1981. Applicant: CHEMICAL TANK LINES, INC., P.O. Box 432, Mulberry, FL 33860. Representative: Charles A. Webb, Suite 1111, 1828 L St., N.W., Washington, DC 20036, (202) 296–2929. Transporting *commodities in bulk*, (1) between points in FL, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX, (2) between points in Polk and Hillsborough Counties, FL, on the one hand, and, on the other, points in DE, IN, KY, MD, NE, NJ, OH, PA, VA, and WV, and (3) between points in St. Charles, Orleans, and Jefferson Parishes, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, and TX.

MC 144806 (Sub-7), filed February 12, 1981. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 N. 200 W., P.O. Box 51, Dalta, UT 84624. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531–1300. Transporting *metal products*, between points in the U.S., under continuing contract(s) with All Metals & Fasteners, of Salt Lake City, UT.

MC 147536 (Sub-28), filed February 17, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *textile mill products*, between points in McPherson County, KS, on the one hand, and, on the other, points in AR, IL, IA, MN, MO, OK, and WI.

MC 147536 (Sub-29), filed February 10, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *pulp, paper and related products*, between points in Muskogee County, OK, on the one hand, and, on the other, points in AL, AR, FL, KS, LA, MO, TX, and UT.

MC 148966 (Sub-5), filed February 17, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products*, between points in Buena Vista, Cherokee, Woodbury and Polk Counties, IA, on the one hand, and, on the other, points in AZ, CT, DE, MA, MD, NJ, NY, OH, PA, VA, and DC.

MC 150366 (Sub-1), filed February 18, 1981. Applicant: BIG BEAR TRANSPORTATION CO., 326 11th Ave., North, P.O. Box 23174, Nashville, TN 37202. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 20006, (202) 331–1174. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Polar Refrigerated Services, Inc., of Nashville, TN.

MC 150496 (Sub-11), filed February 14, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting *sporting goods and recreational equipment*, between points in Bossier Parish, LA, and Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 152526 (Sub-1), filed February 9, 1981. Applicant: PIGGYBACK TRANSPORT, INC., 1355 Fifth St., Oakland, CA 94607. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–06

Decided February 27, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton and Liberman.

MC 21866 (Sub-192), filed February 9, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between the facilities used by RCA Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 21866 (Sub-193), filed February 10, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between the facilities of St. Joe Minerals, Inc. and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 29886 (Sub-384), filed February 12, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 2005, (202) 347–3987. Transporting *transportation equipment*, between the facilities of White Motor Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 37656 (Sub-16), filed February 10, 1981. Applicant: DOYLE TRUCKING CORPORATION, 570 Rahway Ave., Woodbridge, NJ 07095. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continung contract(s) with Simmons U.S.A. Corporation, of Atlanta, GA.

MC 41136 (Sub-31), filed February 9, 1981. Applicant: FLEET CARRIER CORPORATION, 525 So. Boulevard East, Pontiac, MI 48053. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *transportation equipment* (A) between points in Pulaski County, VA, and Weber County, UT, on the one hand, and, on the other, points in the U.S., and (B) between the facilities of White Motor Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 66886 (Sub-92), filed February 9, 1981. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *machinery*, between points in the U.S.

MC 10066 (Sub-538), filed February 10, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848–7946. Transporting *general commodities*

(except classes A and B explosives), between points in Cameron, El Paso, Hidalgo, Maverick and Webb Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 113106 (Sub-105), filed February 10, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 20005, (202) 296–3555. Transporting *ores and minerals* between points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 115496 (Sub-135), filed February 10, 1981. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting (1) *construction materials* and *such commodities* as are dealt in by home improvement, home furnishing, and lumber stores, between points in the U.S.; (2) *metal products*, between points in TX, NE, UT, IN, SC, AL, IL, IN, IA, PA, OH, KY, MD, and NJ, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and TX; and (3) pipe and fittings, between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S.

MC 117746 (Sub-2), filed February 11, 1981. Applicant: VINCENT J. CICALESE, 12 Dorchester Ave., Cranford, NJ 07016. Representative: Vincent J. Cicalese, (same address as applicant), (201) 272–4973. Transporting *food and related products*, between points in Albany County, NY, Essex County, NJ, New Castle County, DE, Charleston County SC, and Hillsborough County, FL, on the one hand, and, on the other, points in MA, CT, NY, NJ, PA, VA, WV, OH, and NC.

MC 117786 (Sub-128), filed February 9, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *such commodities* as are dealt in or used by hardware and drug stores, and discount, grocery, and food business houses, between points in the U.S.

MC 121796 (Sub-2), filed February 9, 1981. Applicant: MOUNTAIN EXPRESS, INC., P.O. Box 788, Crossville, TN 38555. Representative: Robert L. Baker, 6th Floor, United American Bank Bldg., Nashville, TN 37219 (615) 244–8052. *Over regular routes*, transporting (1) *general commodities* (except classes A and B explosives), (a) between Nashville and Knoxville, TN, over Interstate Hwy 40, and (b) between junction Interstate Hwy 40 and U.S. Hwy 127, near Crossville, TN, and Chattanooga, TN: from the junction of Interstate Hwy 40 and U.S. Hwy 127 over U.S. Hwy 127 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Chattanooga, and return over the same route, serving all intermediate points in (a) and (b), and serving points in Davidson, White, Cumberland, Van Buren, Knox, and Hamilton Counties, TN, as off route points in connection with (a) and (b); and (2) *over irregular routes*, transporting the commodities named in (1) above, between points in Cumberland, Van Buren, and White Counties, TN, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate on this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC 121796 (Dub-No. 1).

MC 129936 (Sub-1), filed February 9, 1981. Applicant: CHIPPEWA VALLEY TRANSPORTATION COMPANY, INC., 210 Park Avenue, Chippewa Falls, WI 54729. Representative: James M. Ward, P.O. Box 358, Eau Claire, WI 547 29 (715) 835–6111. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Pittman Oil, Inc., of Durand, WI, Fuel Service, Inc., of Chippewa Falls, WI and Economy Oil Company, Inc., of Eau Claire, WI.

MC 139006 (Sub-26), filed February 9, 1981. Applicant: RAPIER SMITH, R.R. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *such commodities* as are dealt in by grocery and food business houses and agricultural feed business houses, between those points in the U.S. in and east of MN, IA, MO, KS, OK and TX.

MC 139906 (Sub-146), filed February 10, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transportng *such commodities* as are dealt in by manufacturers and distributors of machinery and hardware, between points in the U.S.

MC 139906 (Sub-147), filed February 11, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144. Transportng *furniture and fixtures*, between points in Putnam County, FL, on the one hand, and, on the other, points in the U.S.

MC 148146 (Sub-1), filed February 9, 1981. Applicant: MATHEWS TRUCKING CO., INC., 20100 Trentwood Court, Trenton, MI 48183. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in Wayne and Oakland Counties, MI, on the one hand, and, on the other, points in MI.

MC 150176 (Sub-2), filed February 9, 1981. Applicant: DE MASE TRUCKING CO., INC., 151 No. Island Ave., Ramsey, NJ 07446. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 150626 (Sub-4), filed February 17, 1981. Applicant: HAROLD IVES TRUCKING CO., a corporation, P.O. Box 885, Hwy 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. (501) 375–9151. Transporting *lumber and wood products*, between points in Pulaski and Howard Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 151316 (Sub-2), filed February 10, 1981. Applicant: AERO DISTRIBUTING CO., INC., 60 N.W. 37th St., Miami, FL 33127. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives), between points in GA, on the one hand, and, on the other, points in FL, GA, TN, AL, MS, LA, NC, and SC.

MC 152266 (Sub-1), filed February 9, 1981. Applicant: ABC EXPRESS, INC., P.O. Box 890, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in Wilson County, TN, on the one hand, and, on the other, points in the U.S.

MC 153976 (Sub-1), filed February 13, 1981. Applicant: EXPRESS FREIGHT SYSTEMS, INC., 501 16th St., Newport, MN 55055. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products* between Minneapolis, MN, and points in Benton, Stearns and Sherburne Counties, MN, on

the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7287 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an applications must follow the rules under 49 CFR 1100.247(B). Application may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority wil be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-027

Decided: February 23, 1981.

By the Commission, Review Board No. 3, Members Fortier, Hill, and Parker. (Member Hill not participating.)

MC 104412 (Sub-2), filed February 3, 1981. Applicant: WALSH BROS., INC., P.O. Box 282, Kittery, ME 03904. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 139902 (Sub-7), filed January 30, 1981. Applicant: MOWRY TRUCKING, INC., Box 125, Cambridge, NE 69022. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, (402) 476—1144. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and senstive weapons and munitions), between points in the U.S.

MC 152253 (Sub-1), filed January 30, 1981. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85, East, Madisonville, KY, 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY, 42431. Transporting: *general commodities* between Mintz, NC, McMurry, PA, Elord, SD, Matheson, CA, Watton and Bruce Crossing, MI, Belton, Beech Creek Junction and Dunmore, KY and Myles, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 154012, filed January 30, 1981. Applicant: MRC TRUCKING COMPANY, 11820 Beacon St., Kansas City, MO 64134. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. (402) 476-1144. Transporting *food and other edible products, and byproducts intended for human consumption* (excluding alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other solid conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2-030

Decided February 24, 1981.

By The Commission, Review Board No. 1, Members Carlton, Joyce and Jones.

MC 147262 (Sub-2), filed February 3, 1981. Applicant: DETROIT AIR CARGO, INC., 28450 Highland Rd., Romulus, MI 48174. Representative: Warren A.Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7286 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of the 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-100

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 25399 (Sub-1-2TA), filed February 24, 1981. Applicant: A-P-A TRANSPORT CORP., 2100 88th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, and those requiring special equipment),* between points in PA, NJ, NY, CT, MA, RI, NH, VT, ME, DE, MD, VA, WV, and DC. Supporting shipper(s): There are approximately 175 shippers supporting this application and their statements may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 10875 (Sub-1-6TA), filed February 24, 1981. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller, 114 Fifth Avenue, New York, NY 10011. *Common carrier:* regular routes: *General commodities, except Classes A and B explosives and commodities in bulk,* serving points in Boyle County, KY, as off-route points in connection with applicant's authorized regular routes. Applicant intends to tack and interline. Supporting shipper: Thom McAn Shoe Company, Millbrook Street, Worcester, MA 01606.

MC 146783 (Sub-1-1TA), filed February 19, 1981. Applicant: S & I. TRANSPORTATION, INC., 59-21 156th St., Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Printed matter, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodity named in (1) above,* between points in the U.S. Supporting shipper(s): Lithotronics, Inc., 333 Old Tarrytown Rd., White Plains, NY 10603.

MC 144407 (Sub-1-5TA), filed February 18, 1981. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *General commodities (except household goods and classes A and B explosives),* between points in AR, CT, DE, IL, IN, MA, MS, NJ, NY, OH, PA, and TN. Supporting shipper(s): Lowe's Companies, Inc., Box 1111, North Wilkesboro, NC 28656.

MC 111729 (Sub-1-11TA), filed February 23, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch, 333 New Hyde Park Road, New Hyde Park, NY 11042. *Contract carrier:* irregular routes: *Commercial papers, documents and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions,* between Chicago, IL and Minneapolis, MN, under continuing contract(s) with Federal Home Loan Bank of Chicago, IL. Supporting shipper: Federal Home Loan Bank of Chicago, 111 E. Wacker Dr., Chicago, IL 60601.

MC 140345 (Sub-1-8TA), filed February 23, 1981. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler, 255 Old New Brunswick Road, Piscataway, NJ 08854. *Contract carrier:* irregular routes: *Precious metals and machine parts,* between Philadelphia, PA, New York, NY, Huntingdon, PA and Newark, OH, under continuing contract(s) with Owens-Corning Fiberglas Corp. of Toledo, OH. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 138861 (Sub-1-18TA), filed February 23, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives),* between Central Falls, RI, on the one hand, and, on the other, Mechanicsburg, PA, Cincinnati, OH, Richmond, VA, and Wadesboro, NC, and Memphis, TN, under continuing contract(s) with Murdock Webbing Co., Inc. of Central Falls, RI. Supporting shipper: Murdock Webbing Co., 27 Foundry St., Central Falls, RI 02863.

MC 154049 (Sub-1-1TA), filed February 13, 1981. Applicant: CONTRANS, INC., Box 252-K, Rustic Acres Drive, Chepachet, RI 02814. Representative: John A. Simone, Box 252-K, Rustic Acres Drive, Chepachet, RI 02814. *Contract carrier:* irregular routes: *Office furniture and parts thereof, equipment and supplies used in the manufacture and merchandising of office furniture,* between Waltham, MA and points in CT, DE, NJ, and PA, under continuing contract(s) with Milbrook Enterprises, Inc., of Waltham, MA. Supporting Shipper: Milbrook Enterpirses, Inc., 411 Waverly Oaks Road, Waltham, MA 02184.

MC 145108 (Sub-1-16TA), filed February 24, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 20006. *Contract carrier;* irregular routes *wine, spirits, and beer* from Peoria, IL, Bardstown and Frankfort, KY, Detroit, MI, Hammondsport and Scarsdale, NY, Cincinnati, OH, Houston, TX and points in CA to Denver, CO under continuing contract(s) with Foremost-McKesson, Inc. Supporting shipper: Foremost-McKesson, Inc., One Post St., San Francisco, CA 94101.

MC 134258 (Sub-1-1TA), filed January 19, 1981. Applicant: RALPH'S TRANSPORT LTD., 5 Seaton Street, St. John, New Brunswick, CD E2J 2A7. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Contract carrier:* irregular routes: *Newsprint* from ports of entry on the US-CD boundary line located at or near Calais and Houlton, ME to points in the U.S., under continuing contract(s) with MacMillan Rothesay Limited of St. John, New Brunswick, CD. Supporting shipper: MacMillan Rothesay Limited, P.O. Box 1900, St. John, New Brunswick, CD E2L 4K9.

MC 147915 (Sub-1-1TA), filed February 23, 1981 Applicant: RUSSO MOTOR EXPRESS, INC. Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. (1) *Household cleaning products, cleaning agents, and empty containers,* from Bristol and Cornwells Heights, Pennsylvania, to points in CT, DE, FL, GA, IL, IN, ME, MD, MA, MO, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV, and DC, and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities* in (1)

above, from points in CT, DE, FL, IL, IN, ME, MD, MA, MO, NH, NJ, NY, NC, OH, RI, GA, SC, VT, VA, WV, and DC, to Bristol and Cornwells Heights, Pennsylvania. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 98830 (Sub-1–1TA), filed February 23, 1981. Applicant: CABCO, INC., d.b.a. C & D CARTAGE, 21 Walpole Street, Norwood, MA 02062. Representative: John F. O'Donnell, Barrett and O'Donnell, P.O. Box 238, Milton, MA 02187. *General commodities, except Class A & B explosives and household goods* between points in CT, MA, ME, NH, RI. Supporting shipper(s): C & D Warehouse Co., Inc., Sharon Industrial Park, Sharon, MA 02067; Ames McDonough Company, P.O. Box 1774, Parkersburg, WV 26101; Esmond Terminal Warehouse, Inc., 10 Hampden Road, Mansfield, MA 02048; Walsh Chemical (North) Inc., 1245 Providence Highway, Sharon, MA 02067.

MC 151078 (Sub-1–4TA), filed February 24, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07305. Representative: Charles A. Webb, 1828 L Street, NW., Suite 1111, Washington, DC 20036. *General commodities (except household goods as defined by the Commission, classes A and B explosives, articles of unusual value, commodities in bulk, and those requiring special equipment),* between Jersey City, NJ, and points in Hartford, Middlesex, New Haven, and New London Counties, CT, points in Bristol and Middlesex Counties, MA, and points in RI.

MC 149311 (Sub-1–1TA), filed February 17, 1981. Applicant: RADFORD TRANS, INC., Oceana Way, Norwood, MA 02062. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. (1) Such commodities as are dealt in by grocery and food business houses, and (2) equipment, material and supplies used in the manufacture, processing and distribution of the commodities named in (1) above, from points in Norfolk County, MA, to points in CT, ME, NH, RI, and VT. Supporting shipper(s): Uncle Ben's Foods, P.O. Box 1752 Houston, TX 77001; Hershey Food Corporation, 19 Chocolate Ave., Hershey, PA 17033; M&M/Mars, High St., Hackettstown, NJ 07840.

MC 154131 (Sub-1–1TA), filed February 18, 1981. Applicant: PRISCOM CORPORATION, 300 Lanidex Plaza, Parsippany, NJ 07054. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract carrier:* irregular routes: (1) *Such commodities* as are used or dealt in by manufacturers, processors, or distributors of paints, highway marking materials and coatings, industrial coatings, highway safety products and equipment, and highway maintenance products and equipment and (2) *materials, equipment and supplies* used in the manufacture, processing or distribution of commodities named in (1) above, between points in the U.S., under continuing contract(s) with Prismo Universal Corporation, and its affiliates, Universal Road Marking, Inc., of Parsippany, NJ; Transmark, Inc. of Parsippany, NJ; and Redland Limited. Supporting shipper(s): Prismo Universal Corporation and affiliates, 300 Lanidex Plaza, Parsippany, NJ 07054.

MC 138999 (Sub-1–1TA), filed February 19, 1981. Applicant: FRED NARK AND ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NY 07934. *Contract carrier:* irregular routes: (1) Building materials, roofing and roofing systems, and (2) Materials, equipment, and supplies used in the manufacture, distribution, and installation of the commodities named in (1) above, between points in the U.S., under continuing contract(s) with Apache Building Products Co. of Linden, NJ. Supporting shipper: Apache Building Products Co., 2025 East Linden Ave., Linden, NJ 07036.

MC 148670 (Sub-1–1TA), filed February 20, 1981. Applicant: STOKLEY TRANSPORTATION CORP., P.O. Box 159, Glassboro, New Jersey 08028. Representative: Michael R. Werner, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. *Contract carrier:* irregular routes: *Aluminum products and alloys, metal and metal alloys, and materials, supplies and equipment used in the manufacture, sale and distribution thereof,* under continuing contract(s) with Shieldalloy Corporation, Division Metallurg, Inc.: Supporting shipper(s): Shieldalloy Corporation, Davision Metallurg, Inc., West Boulevard, Newfield, New Jersey 08344.

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 141094 (Sub-II–1TA), filed February 2, 1981. Originally published in the **Federal Register** February 18, 1981. Applicant: ACME TRUCKING, INC., 1298 Thurston Dr., Columbus, OH 43227. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract* irregular: *General commodities, except commodities in bulk and classes A and B explosives,* Between Columbus, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper(s) Franklin Chemical Industries, Inc., Franklin Distribution Company, 2020 Bruck Street, P.O. Box 07802, Columbus, OH 43207. Purpose of republication is to remove restrictions published previously.

MC 60253 (Sub-II–1TA), filed December 22, 1980. Originally published in the **Federal Register** February 9, 1981. Applicant: ARLINGTON TRUCK CO., 524 Oregon Rd., Northwood, OH 43604. Representative: Richard A. Chase, 525 Security Bldg., Toledo, OH 43604. Contract, irregular: *Glass and glass products as well as material, supplies and equipment used in the manufacture, sale and distribution thereof, except in bulk,* between the facilities of Libbey-Owens-Ford Co., on the one hand, and, on the other, pts. in the 48 contiguous states, for 270 days. Applicant intends to tack. Supporting shipper Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43695. The purpose of republication is to change *from the facilities,* to *between the facilities.*

MC 118570 (Sub-II–5TA), filed February 2, 1981, originally published in the **Federal Register** February 18, 1981. Applicant: DEFAZIO EXPRESS, INC., 1024–28 Springbrook Ave., Moosic, PA 18507. Representative: Thomas R. Melvin (Same as applicant). Contract, irregular: *General commodities, except class A and B explosives, household goods as defined by the Commission, and commodities in bulk,* between pts. in the states of CT, DC, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA and VT, restricted to traffic originating at or destined to the facilities of Wakefern Food Corp., for 270. Supporting shipper: Wakefern Food Corp., 342 Westminister Ave., Elizabeth, NJ 07207. The purpose of republication is to change NE to ME.

MC 107403 (Sub-II–41TA), filed February 12, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Slag cement, in bulk,* from Ravena, NY to Washington, DC; Baltimore, MD; Norfolk and Roanoke, VA; Charleston and Columbia, SC; Atlanta and Marietta, GA and Jacksonville, FL for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Cement Co., P.O. Box 30, Stamford, CT 06904.

MC 150482 (Sub-II–4TA), filed February 23, 1981. Applicant: McCAULEY AIR FREIGHT, R.D. #4, Box 314A, Punxsutawney, PA 15767.

Representative: John W. Smith (same as applicant). *Sintered Iron Castings,* from the facility of Pennsylvania Pressed Metals, Inc., Emporium, PA to the plant facilities of Delco Products, Kettering, OH, for 270 days. Supporting shipper: Pennsylvania Pressed Metals, Inc., P.O. Box 271, Cameron Road, Emporium, PA 15834.

MC 154209 (Sub-II–1TA), filed February 19, 1981. Applicant: CHARLES J. MERLO, INC., R.D. #1, Box 88A, Mineral Point, PA 15942. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Coal, in bulk, in dump vehicles,* between points in Cambria and Somerset Counties, PA on the one hand, and, on the other, points in WV, MD, and those in OH on and east of a line beginning at Sandusky, OH and extending over OH Hwy 4 to junction U.S. Hwy 23, and then over U.S. Hwy 23 to the OH-KY State line. An underlying ETA seeks 120 days. Supporting shippers: Wendell Construction, 3424 Elton Road, Johnstown, PA 15904; E & R Coal Co., Inc., P.O. Box 146, Grantsville, MD 21536; Linsey Mining Co., Inc., P.O. Box 146, Grantsville, MD 21536.

MC 146015 (Sub-II–13TA), filed February 9, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). Contract, irregular: *General commodities (except household goods, hazardous and secret materials, commodities in bulk, and commodities which because of their size and weight require special equipment),* between points in PA, NY, NJ and CT, on the one hand, and, on the other, points in the states of AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, restricted to transportation originating at or destined to the facilities utilized by Northeastern Pennsylvania Shipper's Cooperative Association, Inc. or its members and restricted to shipments moving on bills of lading of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Northeastern Pennsylvania Shipper's Cooperative Assoc., Inc., 1212 O'Neill Hwy., Dunmore, PA 18512.

MC 107012 (Sub-II–135TA), filed February 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Parts, materials, and supplies used in the manufacture or distribution of household appliances* from points in IL, IN, MO, OH, KY, MI to points in Hamilton and Greene counties, IA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Webster City Products Co., 600 Stockdale St., Webster City, IA 50595.

Note.—Common control may be involved.

MC 113828 (Sub-II–15TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Cement,* in bulk, from Harleyville, SC to points and places in NC, GA, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: SCS Products—Division of Belmont Heritage Corp., P.O. Box 1157, Belmont, NC 28012.

MC 113828 (Sub-II–16TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Hydrogen Perioxide Solution,* in bulk from Baltimore, Md to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, VA, WV, OH, WI, MN, NC, SC, TN, KY, GA, FL, AL, and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Oxychem Company, Inc., 825 Third Avenue, New York, NY 10022.

MC 113828 (Sub-II–17TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Chemicals,* in bulk, from Mecklenburg County, NC to points and places in NC, SC, GA, FL, AL, TN, KY, WV, VA, MS, LA, and MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Chem-Way Corporation, 925 Tuckaseegee Road, P.O. Box 8129, Charlotte, NC 28208, Ace Chemical Corporation, 9801 York Road, Charlotte, NC 28210.

MC 113828 (Sub-II–18TA), filed February 18, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Liquid Textile Chemicals,* in bulk, from Langley, SC to Lyman, SC; Mooresville, NC; Statesville, NC; Old Fort, NC; Barnwell, SC; Calhoun, GA; Dalton, GA; Fort Edwards, NY; Clearwater, SC; Graniteville, SC; Kannapolis, NC; Wadesboro, NC; Concord, NC; Fall River, MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Val Chemical, Langley, SC 29834.

MC 124111 (Sub-II–10TA), filed February 19, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Vegetable cooking oils,* from St. Louis MO to points in CO, IL, IN, MI, NJ, NY, OH, TN, and TX for 270 days. Supporting shipper: Commercial Pan Coating Corp., 150 Grand St., Carlstadt, NJ 07072.

MC 138068 (Sub-II–4TA), filed February 11, 1981. Applicant: WAREHOUSE TRANSPORTATION CO., P.O. Box 84, Urbana, OH 43078. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Contract, Irregular; Rubber products, including pneumatic rubber tires, and tubes, from* (1) Tuscaloosa, AL and Woodburn, IN to Columbus, OH, (2) Columbus, OH to all points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The B. F. Goodrich Co., 500 S. Main St., Akron, OH 44318.

MC 153979 (Sub-II–1TA), filed February 9, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23234. Representative: Paul D. Collins, 5600 Midlothian Turnpike, P.O. Box 24286, Richmond, VA 23224. Contract, irregular: *General commodities (except household goods and classes A and B explosives),* between points in the U.S., east of ND, SD, CO and NM. Restricted to the transportation of traffic originating at or destined to the facilities of Contract Marine Carriers, Inc., Charleston, SC, and Westvaco Corp., New York, NY, under continuing contracts, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Contract Marine Carriers, Inc., 23 Broad St., Charleston, SC 29402; Westvaco Corp., 299 Park Ave., New York, NY 10171.

MC 109478 (Sub-II–6TA), filed February 13, 1981. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, PA 16428. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Common,* irregular; *Nickel catalysts,* between Erie, PA, on the one hand, and, on the other, all points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Calsicat Div. Mallinckrodt, Inc., 1707 Gaskell Ave., Erie, PA 16503.

MC 105881 (Sub-II–3TA), filed February 23, 1981. Applicant: MR&R TRUCKING COMPANY, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, D.C. 20036.

Common, regular: General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) serving the facilities of Bursak Laboratories at or near Hollywood, FL, as an off-route point in connection with carrier's regular routes for 270 days. Applicant intends to tack the authority sought herein with existing authority held under MC 105881. Applicant intends to interline at all present interchange points. An underlying ETA seeks 120 days authority. Supporting shipper: Redi-Products, Inc., 744 8th Avenue, Huntington, WV 25701.

MC 148859 (Sub-II–3TA), filed February 24, 1981. Applicant: MID-STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Representative: Sander M. Bieber, 1100 Connecticut Ave., NW, 9th Floor, Washington, DC 20036. Contract, irregular: *Industrial chemical wastes,* from the facilities of Ingersoll-Rand Co., located at Painted Post, NY, to Chester, PA, and from the facilities of Dana Corp., located at Berwick, PA to Niagara Falls, NY, and Williamsburg, OH, under continuing contracts, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dana Corp., 9th & Oak Sts., Berwick, PA 18603, and Ingersoll-Rand Co., 100 Cheming St., Painted Post, NY 14870.

MC 117565 (Sub-II–14TA), filed February 23, 1981. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same as applicant). *Commodities dealt in and sold by retail and wholesale outlets,* from the plant site and warehouse facilities of Marsh Allan Products, Inc. at or near Cleveland, OH to pts. in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Marsh Allan Products Inc., 1971 West 85th St., Cleveland, OH 44102.

MC 107012 (Sub-II–138TA), filed February 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Plastic articles, expanded* from the facilities of Scott Paper Company located at or near San Bernardino, CA; Conyers, GA; Fort Wayne, IN; Eddystone, PA; and Mesquite, TX to points in the United States for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

Note.—Common control may be involved.

MC 1824 (Sub-II–14TA), filed February 23, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry, 151 Easton Blvd., Preston, MD 21655. Common; regular: *General commodities, except household goods as defined by the Commission and classes A & B explosives,* serving points in Hunterdon, Morris, Somerset, Sussex, and Warren Counties, NJ, as off-route points in connection with applicant's presently authorized regular routes (1) between Jersey City, NJ, and Scranton, PA, and (2) between junction U.S. Hwy 22 and NJ Hwy 69, and Chambersburg, PA for 270 days. Applicant intends to tack authority sought with authority held under Docket No. MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to Baltimore, MD, Richmond, VA, Detroit, MI, and St. Louis, MO. An underlying ETA seeks 120 days authority. Supporting shipper: Applicants statement of fact.

MC 117095 (Sub-II–2TA), filed February 23, 1981. Applicant: Mervin E. Weaver, 11 South Tower Rd., New Holland, PA 17557. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Crushed stone, agricultural limestone and barn dry,* between points in PA, on the one hand, and, on the other, points in NJ, MD, DE, OH, VA and NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Martin Limestone, Inc., Box 155, Blue Ball, PA 17506.

MC 145930 (Sub-II–4TA), filed February 11, 1981. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Mill scale,* in dump vehicles from Kokomo, IN to Aliquippa, PA and from Aliquippa, PA to Cleveland, OH, for 270 days. Supporting shipper(s): Irwin R. Siegal & Associates, Inc., 8123 Jones Rd., Cleveland, OH 44105.

MC 154048 (Sub-II–1TA), filed February 17, 1981. Applicant: LAMAR K. HAAS, INC., Rte 2, Slatington, PA 18080. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Moist Ferrous Sulphate,* in bulk, in dump vehicles, from Johnstown, Lebanon and York, PA and Sayreville, NJ to Baltimore, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quality Chemicals, Ltd., 1951 Benhill Ave., Baltimore, MD 21226.

MC 63838 (Sub-II–5TA), filed February 11, 1981. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Television bulbs, glass face plates and glass parts used in the manufacture of television bulks and materials, equipment and supplies* on return, between Pittston, PA, on the one hand, and, on the other, points in OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O.B. 1035, Toledo, OH 43666.

MC 150939 (Sub-II–15TA), filed February 13, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Plastic housewares and equipment, materials and supplies used in the manufacture and distribution of plastic housewares* between the facilities of Cities Service Co. at or near McKees Rocks, PA; Kankakee, IL; and Tustin, CA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Cities Service Co. of Pittsburgh, PA, for 270 days. Supporting shipper: Cities Service Co., P.O. Box 626, Pittsburgh, PA 15230.

MC 149400 (Sub-II–1TA), filed February 13, 1981. Applicant: BICENTENNIAL TRANSPORT, INC., 317 North Point Boulevard, Baltimore, MD 21224. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC. *General commodities (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A and B explosives, and household goods as defined by the Commission) in intermodal cargo containers,* between Baltimore, MD, on the one hand, and, on the other, points in PA, OH and KY (restricted to traffic having a prior or subsequent movement by water). Supporting shipper(s): Black & Geddes, Inc., Suite 2231, World Trade Center, Baltimore, MD 21202, and United States Lines, Inc., Box 1775, Baltimore, MD 21230.

MC 143394 (Sub-II–24TA), filed February 17, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). *Contract:* Irregular: *Plastic Products and Equipment and Supplies used in the manufacture of plastic products,* from the Lawrence, KS to points in the states of NY, CT, PA, NJ, DE, MD, VA, WV, OH, IL, WI, TN, NC, SC, GA, FL, AL, MS, LA, IN, KY, MI, RI and MA under continuing contract(s) with Packer Plastic Company, Lawrence, KS.

Supporting shipper: Packer Plastic Company, P.O. Box 943, 2330 Packer Road, Lawrence, KS 66044.

MC 56388 (Sub-II–7TA), filed February 13, 1981. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *Petroleum and petroleum products, in bulk, in tank vehicles,* from Weirton, WV to points in Baltimore County, MD. An underlying ETA seeks 120 days authority. Supporting shipper: Apex Oil Co., 1622 S. Clinton St., Baltimore, MD 21224.

MC 151585 (Sub-II–3TA), filed February 19, 1981. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract,* irregular: *General commodities (except Classes A and B explosives),* between Richmond, VA (and points in the commercial zone thereof) on the one hand, and, on the other, points in the U.S. Supporting shipper: Hendricks Tile Manufacturing Co., Inc., 5000 Castlewood Rd., Richmond, VA 23234.

MC 138438 (Sub-II–23TA), filed February 17, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Wiliamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Food and related products,* between Forsyth County, NC, on the one hand, and, on the other, points in Washington County, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: English Lesky Distributing Co., Inc., 840 Bowman Ave., Hagerstown, MD 21740.

MC 138438 (Sub-II–24TA), filed February 19, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Wiliamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Aluminum and aluminum products and equipment, materials and supplies used in the manufacture of aluminum and aluminum products,* between the facilities of Eastalco at or near Frederick, MD, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX. Supporting shipper: Eastalco Aluminum Company, 5601 Manor Woods Rd., Frederick, MD 21701.

MC 2368 (Sub-II–13TA), filed February 19, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O.B. 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Gasoline, in bulk, in tank vehicles* from Marcus Hook, PA., and its commercial zone to points in MD, NC, TN, and VA for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: World Wide Racing Fuel, Inc., Box 500, New Canton, VA 23123.

MC 142703 (Sub-II–7TA), filed February 19, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W. Third St., Cincinnati, OH 45203. Representative: Robert E. Tucker (same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between Chicago, IL, and its commercial zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, OH, PA, WV, and WI for 270 days. Restricted to the transportation of shipments having a prior or subsequent movement by rail. Carrier intends to interline with rail carriers at Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 10 supporting shippers' statements to this application which statements may be examined at the Philadelphia Regional office.

MC 125335 (Sub-2–26TA), filed February 20, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such commodities as are dealt in or used by manufacturers or distributors of drugs, medicines and toilet preparations,* Between Pitman, NJ, and Langhorne and Fort Washington, PA, on the one hand, and, on the other, points in Tucker, GA, Hammond, IN, and Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, PA 19034.

MC 128290 (Sub-II–5TA), filed February 13, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101 Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Canned goods, pallets, glassware, and cans* from Berkeley and Jefferson Counties, WV; and Federick, Clarke, Warren, and Shenandoah, and Rockingham Counties, VA to NC, SC, and GA. (An underlying ETA seeks authority for 120 days.) Supporting shippers: Shenandoah Apple Co-Operative, Inc., P.O.B. 435, Winchester, VA 22601, and National Fruit Products Co., P.O.B. 2040, Winchester, VA 22601.

MC 154119 (Sub-II–1TA), filed February 17, 1981. Applicant: LINDSEY MOTOR EXPRESS, INC., 3415 South de Ave., Cincinnati, OH 45204. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Soybean oil,* in bulk, in tank vehicles, from the facilities of A. E. Staley Co. at or near Frankford, IN to Cincinnati, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) A. E. Stanley Manufacturing Co., P.O.B. 249, Frankfort IN 46041.

MC 143394 (Sub-II–23TA), filed February 12, 1981. Applicant: GENIE TRUCKING LINE, INC!, 70 Carlisle Springs Rd., P.O.B. 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Contract, irregular—*General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Chicago, IL and origins of Trans-Am members, Chicago, IL, on the one hand, and, on the other, points in LA, WI, IL, OH, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, PA, NY, NJ, MI, MA, CT, RI, DE, and MD, under continuing contract(s) with Trans-Am Shippers Cooperative Association, Inc., Chicago, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Trans-Am Shippers Cooperative Association, Inc., 3750 W. 4th St., Chicago, IL 60632.

MC 72069, (Sub-II–11TA), filed February 20, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Paper and paper products and materials and supplies* used in the manufacture and distribution of the same, between Litchfield, KY, on the one hand, and, on the other, points in the United States (except AK and HI), for 270 days. Supporting shipper: Huron Copysette Company, Litchfield, KY 42754.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 120981 (Sub-3–4TA), filed February, 27, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier:* regular: *general commodities (except classes A and B explosives),* (1) between Mobile, AL, and Baton Rouge, LA, from Mobile, AL, over Interstate Hwy. 10 to junction Interstate Hwy. 12, thence over Interstate Hwy. 12 to Baton Rouge, LA, and return over same route serving no

intermediate points, (2) between Montgomery, AL, and Jackson, MS, from Montgomery, AL, over U.S. Hwy. 80 to junction Interstate Hwy. 20, thence over Interstate Hwy. 20 to Jackson, MS, and return over same route serving no intermediate points, (3) between Mobile, AL, and Jackson, MS, from Mobile, AL, over U.S. 98 to junction U.S. 49, thence over U.S. 49 to Jackson, MS, and return over same route serving no intermediate points, (4) between Lexington, KY, and Delaplain, KY, from Lexington, KY, over U.S. Hwy. 25 to junction KY Hwy. 620, and thence over KY Hwy. 620 to Delaplain, KY, and return over same route serving all intermediate points, (5) between Lexington, KY, and Cynthiana, KY, from Lexington, KY, over Interstate Hwy. 75 to junction U.S. Hwy. 62, thence over U.S. Hwy. 62 to Cynthiana, KY, and return over same route serving no intermediate points, (6) between Delaplain, KY, on the one hand, and, on the other, points in OH, points in PA on and west of U.S. Hwy. 219, and points in NY on and west of NY Hwy. 14, and (7) between Baton Rouge, LA, Jackson, MS, and Nashville, TN, on the one hand, and, on the other, points in TX on and east of Interstate Hwy. 35 and points in LA located on and south of the line beginning at the TX and LA state line, thence running eastward along Interstate Hwy. 10 to its junction with Interstate Hwy. 12, thence along a line with Interstate Hwy. 12 to junction of the LA and MS state line. Applicant proposes to tack the authority sought in (1) through (7) above with its existing authority at Delaplain, KY, Nashville, TN, Montgomery and Mobile, AL, Jackson, MS, and Baton Rouge, LA, and to tack the authority sought in (1) through (7) next above at all common points. Applicant proposes to interline with other carriers at New Orleans, LA, Cincinnati, Dayton, Columbus, and Cleveland, OH, Erie and Pittsburgh, PA, and Buffalo, NY, Lexington, KY, Nashville, TN, Jackson, MS, Montgomery and Mobile, AL, and Houston, Dallas, and San Antonio, TX. Supporting shippers: 48.

MC 144827 (Sub-3–31TA), filed February 26, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Conner Wiggins, Jr. Suite 909, 100 N. Main Bldg. Memphis, TN 38103. *General commodities (with the usual exceptions)* between facilities utilized by Dixico, Inc., and its divisions and subsidiaries on the one hand, and, on the other, points in the U.S. Supporting shipper: Dixico, Inc., 4331 Bronze Way, Dallas, TX 75237.

MC 133221 (Sub-3–7TA), filed February 26, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *Expanded plastic products with facing on one or more sides* from Bulter County, OH to points in the U.S. (except AK and HI) on and East of U.S. Highway 85. Supporting shipper: Dow Chemical USA, P.O. Box 36000, Strongsville, OH 44136.

MC 146281 (Sub-3–17TA), filed February 26, 1981. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6110, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Such articles as are dealt in or used by manufacturers and distributors of paints, chemicals, and related articles,* between Dayton, OH, on the one hand, and, on the other, points in TN, AL, LA and KY. Supporting shipper(s): The Sherwin-Williams Co., 101 Prospect, Cleveland, OH 44101.

MC 59150 (Sub-3–13TA), filed February 26, 1981. Applicant: PROOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 331 W. Duval Street, Jacksonville, FL 32202. *Forest products, and lumber* between Greene County, TN, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Cherokee Wood Preservers, P.O. Box 88, Mosheim, TN.

MC 13615 (Sub-3–9TA), filed February 27, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. (1) *Primary metal products and fabricated metal products and* (2) *machinery and supplies used in the manufacture and sale of the commodities in (1)* between points in Jefferson County, AL on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: American Cast Iron Pipe Company, Birmingham, AL.

MC 114334 (Sub-3–22TA), filed February 27, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal articles* between Jefferson County, AL on the one hand, and all points in the U.S. in and East of TX, OK, KS, ND, SD and NE on the other. Supporting shipper: LaBarge, Inc., 20 South Fourth Street, St. Louis, MO 63102.

MC 135895 (Sub-3–23TA), filed February 26, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Loud speakers, electrical amplification systems, and component parts and accessories therefore, and (2) equipment materials and supplies used in manufacture, assembly, sale and distribution of commodities in (1) above* between points in Lauderdale and Scott Counties, MS on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Peavey Electronic Corporation, 711 A Street, Meridian, MS 39301.

MC 154364 (Sub-3–1TA), filed February 27, 1981. Applicant: QUALITY TRANSPORT, A DIVISION OF CAROLINA TRAILER RENTALS, INC., 3124 North Boulevard, Raleigh, NC 27604. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. *Contract carrier:* irregular: *general commodities (except classes A & B explosives),* between points in the U.S., under continuing contract(s) with Facet Enterprises, Inc.—General Products Division of Henderson, NC. Supporting shipper: Facet Enterprises, Inc.—General Products Division of Henderson, NC, P.O. Box 1637, Henderson, NC 27536.

MC 91306 (Sub-3–9TA), filed February 25, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Such commodities as are dealt in or used by the health-care products industry,* between points in Union County, NJ, on the one hand, and, on the other, points in Cobb and Newton Counties, GA. Supporting shipper: C. R. Bard, Inc., 731 Central Avenue, Murray Hill, NJ 07974.

MC 111545 (Sub-3–9TA), filed February 26, 1981. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May (same address as applicant). *Lumber and wood products,* from the facilities of Broadview Lumber Company, Inc. at points in CA, ID, MT, OR and WA, to points in AR, IL, IA, KS, MO, OK, and TX. Supporting shipper: Broadview Lumber Company, Inc., P.O. Box 816, Carthage, MO 64836.

MC 150388 (Sub-3–4TA), filed February 26, 1981. Applicant: BOSS TRANSPORTATION CO., INC., P.O. Box 40977, Memphis, TN 38104.

Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Confectionery and confectionery products, except in bulk,* from the facilities of The Schrafft Candy Company at or near Boston and Woburn, MA and West Reading, PA to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KY, LA, MA, MN, MI, MO, MS, NC, ND, NE, NY, OH, OK, PA, SC, TN, TX, UT, VA, and WI. Supporting shipper: The Schrafft Candy Company, 329 Main Street, Charlestown, MA 02109.

MC 129537 (Sub-3-9TA), filed February 26, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *Carpet or rug cushions, cushioning, or lining, sponge rubber in boxes or wrapped rolls* between points in MS on the one hand and points in AR, FL, GA, LA, NC, OK, SC, TN, and TX on the other hand. Supporting shipper: General Tire and Rubber Company, One General Street, Akron, OH 44329.

MC 135895 (Sub-3-22TA), filed February 19, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) Paper and plastics, and paper and plastic articles and 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 Green Bay, WI and Muskogee, OK, on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, GA, KS, KY, LA, MO, MS, MN, NC, NV, OH, OK, SC, TN, TX, UT, VA, and WI; Restricted to traffic originating at or destined to facilites of Fort Howard Paper Company. Supporting shipper(s): Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.

MC 109026 (Sub-3-8TA), filed February 18, 1981. Applicant: MANNING MOTOR EXPRESS, INC., Route 4, P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General Commodities (except classes A&B explosives),* between points in Metcalfe County, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): There are 11 supporting shippers in this application which may be examined at the Commission's regional authority center in Atlanta, GA.

Note.—Applicant intends to tack with existing regular route authority found in docket number MC 109026.

MC 139934 (Sub-3-3TA), filed February 19, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same as above). *Heavy articles, heavy equipment, contractors equipment, farm equipment and machinery and other articles too bulky or too heavy for carriage by regular freight haulers, which by their size, weight, or bulk, require specialized handling or specialized equipment, and iron and steel articles and concrete forming systems composed of iron, steel, aluminum and/or wooden parts,* between all points and places in AL, FL and GA. Supporting shipper(s): There are five statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 136709 (Sub-3-3TA), filed February 19, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A-71, Laurinburg, North Carolina 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, North Carolina 27602. *Medical supplies, health care products, rigid, flexible, and/or devices, intravenous, saline, nutritional, and anticoagulant solutions in glass or plastic collecting or dispensing containers or sets and materials used in making, packing or shipping of such solutions, containers, devices or sets* between Laurinburg, NC and SC, GA and FL. Supporting shipper: Abbott Laboratories, Inc., P.O. Box 1009, Laurinburg, NC 28352.

MC 110012 (Sub-3-4TA), filed February 18, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Furniture and fixtures* between Jackson County, FL on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Lehigh Furniture, P.O. Box 640, Marianna, FL 32446.

MC 154105 (Sub-3-2TA), filed February 18, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. *Contract:* Irregular: *Synthetic fiber yarns; synthetic fiber and tow, cloths, synthetic fiber and mixtures thereof, synthetic plastic flakes; plasticizers; and materials, equipment and supplies used in the manufacture and distribution thereof,* (a) between points in NC, on the one hand, and, on the other, points in AL, GA, KY and SC, and (b) between SC, on the one hand, and, on the other, AL, GA, and KY under continuing contract(s) with Celanese Corporation and its subsidiaries affiliates and divisions including Celanese Fibers Company, Celanese Fibers Marketing Company, Fiber Industries, Inc., Moultrie Products Company, Amcel Company, Pan Amcel Company and Pama Manufacturing, Inc. of Charlotte, N.C. Supporting shipper: Celanese Fibers Company, P.O. Box 32414, Charlotte, NC 28232.

MC 140563 (Sub-3-2TA), filed February 19, 1981. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, John P. Tucker, Jr., Archie B. Culbreth, P.C., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products,* (2) *photocopying machinery and equipment and parts therefore and photocopying materials and supplies,* (3) *advertising materials and supplies and advertising specialty items and accessories (including key holders, wallets, card cases, desktop accessories, and clocks);* and (4) *film and film products,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to a facility of Saxon Industries, Inc. Supporting shipper: Saxon Industries, Inc., 1230 Avenue of the Americas, New York, NY 10020.

MC 144715 (Sub-3-10TA), filed February 18, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. *Bakery foodstuffs, and materials and supplies used in the manufacture and distribution thereof,* between Richmond, VA, and Battle Creek, MI, and points in their commercial zones, on the one hand, and, on the other, points in the US. Supporting shipper: Interbake Foods, Inc., P.O. Box 27487, Richmond, VA 23261.

MC 93649 (Sub-3-2TA), filed February 18, 1981. Applicant: GAINES MOTOR LINES, INC., I-40 West (P.O. Box 1549), Hickory, NC 28601. Representative: Dennis Gaines, I-40 West (P.O. Box 1549), Hickory, NC 28601. *General commodities (except household goods as defined by the Commission and classes A and B Explosives),* (1) between points in GA, NC, SC, and VA; and (2) between points in GA, NC, SC, and VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NH,

NJ, NY, PA, RI, and DC. Supporting shippers: There are thirty-nine statements of support attached to this application which may be examined at the ICC Atlanta, GA Regional Office.

MC 148620 (Sub-3–3TA), filed February 19, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., Atlanta, GA 30303. *Contract carrier,* irregular routes; *automotive parts, accessories, and equipment (except commodities in bulk),* between points in the U.S., under continuing contract(s) with Ray's Tires, Inc., of Ft. Lauderdale, FL. Supporting shipper(s): Ray's Tires, Inc., 900 Northwest 10th Ave., Ft. Lauderdale, FL 33311.

MC 144503 (Sub-3–13TA), filed February 19, 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. *Non-exempt food or kindred products* between points in the U.S. Supporting shipper: Country Home Bakery, Inc., 1700 Barnum Avenue, Bridgeport, CT 06610.

MC 154384 (Sub-3–1TA), filed February 25, 1981. Applicant: CHARLES BEN STOKES, d.b.a., STOKES TRUCKING, Route 3, Box 233, Clover, SC 29710. Representative: Charles Ben Stokes (same address as above). *Contract* carrier: irregular: *Polyethylene sheeting* from Monroe, LA to points in NC, SC, AL, TN, VA, FL, KY, and GA. Supporting shipper: Adams Industries, Inc., P.O. Drawer 4360, Monroe, LA 71203.

MC 154382 (Sub-3–1TA), filed February 24, 1981. Applicant: R WAY, INC., 107 Ellison St., Fountain Inn, SC 29644. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract:* Irregular: (1) *Paper board* from Taylors, SC to points in AL, AR, FL, GA, IL, IN, KS, KY, MO, NC, OK, SC, TN and TX; (2) *Waste paper* from destinations named in (1) above to Taylors, SC and; (3) *Chemicals* from Charlotte, NC and *Clay* from Huber, GA to Taylors, SC under a continuing contract with Carotell Paper Board Corp. Supporting shipper: Carotell Paper Board Corp., Alexandria Dr., P.O. Box 655, Taylors, SC 29687.

MC 143807 (Sub-3–1TA), filed February 24, 1981. Applicant: EARL GASS AND ALVIN WALLACE, d.b.a. G & W RIGGING AND ERECTION CO., Route 13, Box 14A, Greenville, TN 37743. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Commodities which because of size or weight, require the use of special equipment or special handling,* between points in Greene, Knox and Washington Counties, TN, on the one hand, and, on the other, points in the United States (Except AK & HI). Supporting shipper: There are ten (10) statements of support attached to the application, which may be reviewed at the Atlanta Regional Authority Center.

MC 140645 (Sub-3–3TA), filed February 24, 1981. Applicant: UNITED TRUCKING, INC., P.O. Box 398, Tallapoosa, GA 30716. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Such merchandise as is dealt in by wholesale and retail paint stores* and materials, supplies and equipment used in the manufacture and distribution thereof between the facilities of United Coatings, Inc., at or near Charlotte, NC; Chicago, IL; Indianapolis, IN; and Memphis, TN on the one hand, and, on the other, pts. in the U.S. in and east of MN, IL, MO, AR, and LA. Supporting shipper: United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618.

MC 153115 (Sub-3–1TA), filed February 24, 1981. Applicant: TRIPLE R TRUCKING CO., INC., Route 1, Register, GA 30452. Representative: John J. Capo, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Fertilizer,* from the facilities of Gold Kist, Inc. at or near Clyo, GA to pts. in FL, NC and SC. Supporting shipper: Gold Kist, Inc., 244 Perimeter Center Parkway, N.E., Atlanta, GA.

MC 59150 (Sub-3–12TA), filed February 24, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Building, 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except Class A and B explosives),* between the facilities of Scott Paper Co. at points in the United States in and east of ND, SD, NE, KS, OK and TX, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 190113.

MC 140484 (Sub-3–18TA), filed February 24, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. BOX 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Building materials and building supplies* from points in AL, GA, LA, NC, OH, SC and TN to points in Charlotte, Collier, Glades, Hendry, Highlands and Lee Counties, FL. Supporting shipper: Ruck Brothers Brick, Inc., 2902 Warehouse Road, Fort Myers, FL 33901.

MC 139934 (Sub-3–4TA), filed February 23, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., Post Office Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant). *General commodities (except commodities of unusual value, classes A&B explosives, household goods, and commodities requiring special equipment) in containers or trailers and empty containers and trailers having immediately prior or subsequent movement by water or rail.* Between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NJ, NY, NC, SC, TX, VA, and WV. There are 7 shipper support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 153858 (Sub-3–2TA), filed February 24, 1981. Applicant: B.J.'S EXPRESS, INC., P.O. Box 472, Lakeland, FL 32802. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Meat, Meat Products, in packages and/or suspended unpackaged and articles distributed by meat packing houses* between the facilities of Cagle, Inc., located in GA and FL on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Cagle, Inc., 3854 So. Orange Ave., Orlando, FL 32809.

MC 115841 (Sub-3–49TA), filed February 24, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Air conditioners, heating equipment, air cleaners, humidifying equipment and furnaces, and materials, equipment and supplies used in the manufacture, distribution and repair of the above-named commodities,* between Edison, NJ and Effingham, IL on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, MS, NE, NV, NY, NC, OH, OK, OR, PA, SC, TN, TX, VA, WV, WA, WI and DC. Restricted to traffic originating at or destined to the facilities utilized by Fedders Corporation. Supporting shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817.

MC 112617 (Sub-3–15TA), filed February 24, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson (same address as above). *Alcohol, in bulk, in tank vehicles,* from Seadrift, TX to Jacksonville, AR. Supporting shipper: Gilmore, Inc., 1255 Lynnfield Road, Suite 140, Memphis, TN 38119.

MC 111548 (Sub-3–4TA), filed February 24, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. *Foodstuff,* Between Morgan County, IL and the states of NC, SC, TN, GA, KY. Supporting shipper: Anderson Clayton Foods, P.O. Box 22616, Dallas, Texas 75266.

MC 107515 (Sub-3–96TA), filed February 24, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Malt beverages and related advertising materials, and (2) empty used beverage containers and minerals and supplies used by and dealt in by breweries* between Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 143059 (Sub-3–36TA), filed February 20, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Metal products,* between Douglas County, NE, on the one hand, and, on the other, points in the United States. Supporting shipper: Phillips Manufacturing Co., 4601 South 76th Street, Omaha, NE 68127.

MC 22179 (Sub-3–2TA), filed February 20, 1981. Applicant: FREEMAN TRUCK LINE, INC., 419 Jefferson Ave., Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) 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 Memphis, TN and Tutwiler, MS, serving all intermediate points: from Memphis, TN to Clarksdale, MS over U.S. Hwy 61; then over U.S. Hwy 49 to Tutwiler and return over the same route. Supporting shipper(s): There are 11 supporting shippers whose statements may be examined at the Commission's regional Office in Atlanta, GA.

Note.—Applicant proposes to tack and join the authority sought herein with its authorized regular and irregular route authority, and to interline with other carriers, at Memphis, TN.

MC 124154 (Sub-3–16TA), filed February 23, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Ceiling tape, masking tape, stone stencile compound, plaster of paris bandages, and materials, supplies and equipment used in the manufacture thereof, for the account of Anchor Continental and its customers and suppliers,* between points in the US (except AK and HI) restricted to shipments originating at or destined to Anchor Continental, its customers and suppliers. Supporting shipper: Anchor Continental Inc., P.O. Drawer G, Columbia, SC 29250.

MC 124835 (Sub-3–7TA), filed February 23, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, Tennessee 37405. Representative: David K. Fox (same address as applicant). *Chemicals and Petroleum Products. In Bulk,* from Memphis, TN., to points in AL, AR, FL, KY, LA, MO, MS, TN., and TX. Supporting shippers: Ideal Chemical and Supply Company, 4025 Air Park Street, Memphis, TN., 38118; Ricsan Industries, Inc., 3371 One Place, Memphis, TN., 38116; Exxon Chemicals Americas, P.O. Box 3272, Houston, TX 77001.

MC 150235 (Sub-3–8TA), filed February 20, 1981. Applicant: POWELL TRUCKING CO., INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd., Suite 300, P.O. Box 741, Slidell, IA 70459. *Contract:* Irregular: *Pulp, paper and related products, forest products* between the Louisiana Parishes of LaSalle, Washington and West Feliciana on the one hand, and on the other all points in the states of AL, AZ, AR, CO, FL, GA, IL, IN, KY, LA, MI, MS, MO, NJ, NY, NC, NM, OH, OK, PA, TN, TX and WI, under a continuing contract or contracts with Crown Zellerbach Corporation, Bogalusa, LA. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, LA. 70427.

MC 142835 (Sub-3–10TA), filed February 20, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Citrus juices, citrus by-products, beverages and beverage preparations,* from Tropicana Products, Inc. at or near Cincinnati, OH to points in IN, IL, MI, KY, PA, WV, IA, WI, MN and MO. Supporting shipper: Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33506.

MC 141297 (Sub-3–1TA), filed February 20, 1981. Applicant: UNITED INDUSTRIES, INC., 489 Parish Street, P.O. Box 231, Houston, MS 38851. Representative: W. DeWayne Griffin (same address as applicant). *Contract Carrier:* Irregular: *New upholstered furniture and raw materials used in the manufacture of furniture and related items,* between Houston, MS, AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, MS, NE, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI, and DC, under a continuous contract or contracts with Franklin Mfg. Company, Houston, MS. Supporting shipper: Franklin Manufacturing Company, P.O. Box 512, 6th Avenue North, Houston, MS 38851.

MC 154257 (Sub-3–1TA), filed February 20, 1981. Applicant: FRANKFORT & CINCINNATI RAILROAD COMPANY, located at Clinton and Regan Sts., P.O. Box 475, Frankfort, KY 40602. Representative: John P. Levine, 100 Federal Street, Boston, MA 02110. *General commodities except hazardous waste,* between Louisville, KY and its commercial zone and points in Franklin County, Woodford County and Fayette County, KY, on traffic having a prior or subsequent movement by rail. Supporting shippers: National Distillers and Chemical Corp., 120 Section Road, Cincinnati, OH 45216; Schenley Distillers, Inc., 36 East 4th Street, Cincinnati, OH 45202; and Louisville & Nashville Railroad, 500 Water Street, Jacksonville, FL 32202.

MC 115841 (Sub-3–48TA), filed February 20, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Such commodities as are dealt in by manufacturers and distributors of printed matter (except commodities in bulk),* between the facilities of Arcata Book Group located at or near Kingsport and New Canton, TN; West Hanover and Plympton, MA; and Fairfield, PA on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Arcata Book Group, P.O. Box 711, Kingsport, TN 37662.

MC 149433 (Sub-3–2TA), filed February 20, 1981. Applicant: CARL O. BOONE, d.b.a. BOONE EXPRESS, Post Office Box 114, Smyrna, TN 37167. Representative: Carl O. Boone, Sr., (same address as applicant). *Common Carrier:* regular route: *new and used automotive parts, supplies and accessories,* between Nashville, TN and its commercial zone on the one hand, and, on the other, Chattanooga, TN and its commerical zone, "Nashville, TN over interstate I–24 to Chattanooga, TN and return over interstate I–24 to Nashville, TN." Supporting shipper: Parts Distributors Warehouse, 33

Fairfield Avenue, Nashville, TN 37210, Automobile Electic Service, 1008 Charlotte, TN 37210, Traffic having a prior or subsequent movement in Interstate/Foreign Commerce.

MC 94350 (Sub-3–1TA), filed February 23, 1981. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr., (same as above). *Buildings in sections mounted on wheeled undercarriages* from Shelby County, IL to points in the U.S. excluding AK and HI. Supporting shipper: Kennedy Central Corp., Rt. 2, Shelbyville, IL 62565.

MC 126000 (Sub-3–1TA), filed February 23, 1981. Applicant: SOJOURNER TRUCKING COMPANY, 400 Newton Street, Crystal Springs, MS 39059. Representative: Fred W. Johnson, Jr., P.O. Box 22806, Jackson, MS 39205. *Contract carrier;* irregular routes; *Lumber and wood products* between points in the U.S., in and east of ND, SD, NE, KS, OK and TX under a continuing contract or contracts with Klumb Lumber Company, Crystal Springs, MS. Supporting shipper(s): Klumb Lumber Company, P.O. Box 550, Crystal Springs, MS 39059.

MC 119777 (Sub-3–28TA), filed February 23, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. *Drilling mud,* from Lindon, UT to points in AR, KS, NM, OK, TX and WY. Supporting shipper: Nevada Barite Milling, 1612 W. 2nd S. Lindon, UT 84062.

MC 141652 (Sub-3–6TA), filed February 23, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 29308. Representative: Mark S. Gray, P.O. Box 872, Altanta, GA 30301. *Motor vehicle parts or accessories* between Cleveland, TN on the one hand, and, on the other, Los Angeles, CA and its commerical zone. Supporting shipper: Bendix Automotive Aftermarket Division of the Farm Corporation, 1094 Bendix Dr., Jackson, TN 38301.

MC 124154 (Sub-3–17TA), filed February 23, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, P.O. Box 645, Albany, GA 31703. *Agricultural and industrial chemicals and by products, and materials, supplies and equipment used in the manufacture and distribution thereof,* between points in Greenville, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Ethox Chemicals, Inc., P.O. Box 5094, Station B, Greenville, SC 29606.

MC 143789 (sub-3–2TA), filed February 23, 1981. Applicant: MARTIN TRANSFER AND STORAGE, INC., 120 Cullens Street, P.O. Box 3008, East Dublin, GA 31021. Representative: C. E. Walker, P.O. box 1085, 1320 Broadway, Columbus, GA 31902. *(1) Steel wire, and iron and other materials and supplies used in the manufacturing and shipping thereof,* between Telfair County, GA, on the one hand, and, on the other, AL, AR, IL, KY, MS, MI, NC, OH, OK, PA, SC, TN, TX, VA and WV. *(2) Kaolin Clay, in bags, and materials, supplies and equipment used in the manufacture thereof,* between Wilkinson, Washington, and Twiggs Counties, GA, on the one hand, and, on the other, AL, FL, GA, KY, IL, IN, LA, MS, MO, NC, NJ, OH, OK, NY, PA, SC, TN, TX, VA and WV. Supporting shipper(s): Cook & Co., P.O. Box 458, Lumber City, GA 31549 and M & M Clays, Inc., P.O. Box 98, McIntyre, GA 31054.

MC 144474, (Sub-3–3TA), filed February 23, 1981. Applicant: MORGAN MOVING & STORAGE, INC., Route 2, Highway 45 South, Booneville, MS 38829. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31906. *Rolled plastics and raw materials regularly used in the manufacture of rolled plastics,* between Boonesville, MS, on the one hand, and all points and places in the Continental U.S., on the other. Supporting shipper(s): Intex Plastics Corporation, P.O. Box 948, Corinth, MS 38834.

MC 154297 (Sub-3–1TA), filed February 23, 1981. Applicant: FLETCHER EQUIPMENT CO., P.O. Box 5682, Tampa, FL 33675. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Citrus pulp and citrus pellets* from points in FL to points in Hillsborough and Manatee Counties, FL. Supporting shipper(s): Orange Co. of FL, Inc., P.O. Box 351, Bartow, FL 33830; Central Sunshine Enterprises, Inc., P.O. Box 9491, Winter Haven, FL 33880; American Orange Corp., P.O. Box 1550, Wauchula, FL 33873 and Holly Hill Fruit Products, Inc., P.O. Box 708, Davenport, FL 33837.

MC 121821 (Sub-310TA), filed February 23, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. *Iron or steel coils and sheets,* from Nashville, TN to Scottsville, KY; Lawrenceburg, TN; and Florence, AL. Supporting shipper: Nashville River Terminal, Inc., P.O. Box 100463, Nashville, TN 37210.

MC 138157 (Sub-3–48TA), filed February 23, 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). *Plastic articles (except in bulk)* from Rockaway, NJ to the Atlanta, GA; Chicago, IL; and Los Angeles and Visalia, CA Commercial Zones. Restricted to traffic originating at A & E Plastics, Inc. Supporting shipper: A & E Plastics, Inc., 14505 Proctor Avenue, City of Industry, CA 91749.

MC 154310 (Sub-3–1TA), filed February 23, 1981. Applicant: CERCO ENTERPRISES, INC., 175 Railroad Avenue, Trussville, AL 35173. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Food products and kindred products, the parts, materials, equipment and supplies used in the manufacture, sale and distribution of food products and kindred products,* between points in the U.S., restricted to shipments moving on the bills of lading of Odessa Contract Carriers, a freight forwarder. Supporting shipper: Odessa Contract Carriers, 4525 South Halstead Street, Chicago, IL 60609.

MC 149179 (Sub-3–1TA), filed February 23, 1981. Applicant: MAYLAND ENTERPRISES, INC., Withrow Rd., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Plastic granules and materials, equipment and supplies used in the manufacture and distribution of plastic granules,* between Baltimore, MD; Baton Rouge, LA; and Petersburg, WV on the one hand, and, on the other, pts. in AL, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, NJ, NY, NC, OH, PA, SC, TN, TX, VA, WV, and WI. Restricted to the transportation of traffic originating at or destinated to the facilities of Adell Plastics, Inc. Supporting shipper: Adell Plastics, Inc., 4530 Annapolis Rd., Baltimore, MD 21227.

MC 154294 (Sub-3–1TA), filed February 23, 1981. Applicant: ALEXANDER TRANSPORT INC., Rt. 2, Box 893, Harrisburg, NC 28075. Representative: Jesse Lee Alexander, Jr. (address same as above). *Lumber, Veneer, and Forest Products* between all points in and east of ND, SD, OK, KS, NE and TX. The supporting shippers are: Van Ply Inc., P.O. Box 8289, Charlotte, NC 28208; Durable Wood Preservers Inc., Box 220627, Charlotte, NC 28222; and Lott Forest Products Inc., P.O. Box 387, High Point, NC 27261.

MC 47171 (Sub-3–14TA), filed February 23, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment:* between St. Louis, MO; Atlanta, GA; and Jacksonville, FL. Supporting shipper: Bristol-Myers Products, 225 Long Avenue, Hillside, NJ 07207.

MC 151161 (Sub-3–2TA), filed February 24, 1981. Applicant: NORTH ATLANTA COACH AND TRANSPORTATION, INC., d.b.a. NORTHSIDE AIRPORT EXPRESS, 1454 Willingham Drive, Atlanta, GA 30344. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. *Passengers and their baggage in the same vehicle with passengers in charter and special operations* from points in Fulton, DeKalb, Cobb, Clayton, and Gwinnett Counties, GA to points in the US, except AK and HI and return. There are 20 Statements in Support attached to this application which may be examined in the ICC Office in Atlanta, GA.

MC 149575 (Sub-3–3TA), filed February 24, 1981. Applicant: ADAMS CARTAGE COMPANY, INC., 4440 Mead Road, P.O. Box 3043, Macon, GA 30345. Representative: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Plastic Pipe and Fittings,* between points in Geneva County, AL, on the one hand, and, on the other, points in FL, GA, NC and SC. Supporting shipper: Samson Plastic Conduit & Pipe Corporation, P.O. Box 325, Samson, AL 36477.

MC 146782 (Sub-3–13TA), filed February 24, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, North, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Contract carrier,* irregular routes, *material handling equipment* between points in the U.S. (except AK and HI) under continuing contract(s) with Equipment Engineering Co., of Memphis, TN. Supporting shipper: Equipment Engineering Co., 230–D Cumberland Bend, Nashville, TN 37228.

MC 109708 (Sub-3–20TA), filed February 24, 1981. Applicant: INDIAN RIVER TRANSPORT CO. INC., 2580 Executive Rd., Winter Haven, FL. 33830. Representative: Russell E. Haas (same as above). *Fruit Juice Concentrate, In Bulk in Tank Vehicles* From San Antonio, TX to Chicago, IL; Akron, OH; Verona, PA and Jersey City, NJ. Supporting shipper: Citro Florida Inc. P.O. Box 398, Frostproof, FL 33843.

MC 153690 (Sub-3–1TA), filed February 24, 1981. Applicant: MELVIN HAMPTON, d.b.a. HAMPTON TRUCKING, Route 1, Box 145–B, Palmer, TN 37365. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier:* irregular: *General Commodities (except classes A and B explosives),* between points in AL, GA and TN under continuing contract with Gold Kist, Inc. Supporting shipper: Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301.

MC 47171 (Sub-3–13TA), filed February 24, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Textile Products (except in bulk)* from points in AL to points in NJ and NY. Supporting shipper: Everest Textile Company, 1212 Avenue of the Americas, New York, NY.

MC 124154 (Sub-3–18TA), filed February 24, 1981. Applicant: WINGATE TRUCKING, INC., P.O. 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Agricultural chemicals, materials, supplies and machinery used in the manufacture and distribution of agricultural chemicals* between points in Pelham, GA, Freemont, NE, Houston, TX, Brownfield, TX, Helen, GA, Eustis, FL, Jerome, ID, Severn, NC, Ehrhardt, SC, and Oswego, IL, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Stroller Chemical Company, 8582 Katy Freeway, Houston, TX 77024.

MC 52704 (Sub-3–14TA), filed February 24, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Plastic articles* and (2) *materials equipment and supplies used in the manufacture or distribution of plastic articles* between points in Aiken and Spartanburg Counties, SC, Frederick County, Va, Guilford County, NC, Hot Springs County, AR, Richmond County, GA, New Castle County, DE, Dallas and Tarrant Counties, TX, Johnson and Wyandotte Counties, KS and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Amoco Foam Products Co., Suite 200, 2100 Powers Ferry Rd., NW., Atlanta, GA. 30099.

MC 145213 (Sub-3–4TA), filed February 24, 1981. Applicant: DEEP SOUTH TRUCKING, INC., Hwy 11 North, Post Office Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main Street, Post Office Box 696, Purvis, MS 39475. *Contract* carrier, irregular routes, *iron and steel articles,* between Mobile and Birmingham, AL; Houston, TX, and New Orleans, LA, on the one hand, and, on the other, points in Pearl River County, MS. Supporting shipper: G & S International, 333 North Belt East, Suite 1100, Houston, TX 77060.

MC 138176 (Sub-3–2TA), filed February 24, 1981. Applicant: RENTZ FARM SUPPLY, INC., Route 1, Brinson, GA 31725. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. *Liquefied petroleum gas, in bulk, in tank vehicles,* between points in Dougherty County (Albany), GA, on the one hand, and, on the other, points in FL. Supporting shipper: Empire Gas Corporation, P.O. Box 303, Lebanon, MO 65536.

MC 153955 (Sub-3–1TA), filed February 24, 1981. Applicant: WALPOLE, INC., 503 N.W. 9th Street, Okeechobee, FL 33472. Representative: E.E. Walpole, III (same address as applicant). *Citrus Pellets,* between point in FL having prior or subsequent movement by water. Supporting shipper: I. S. Joseph Company, Inc. Post Office Box 19127, Tampa, FL 33686.

MC 145779 (Sub-3–1TA), filed February 24, 1981. Applicant: OIL SERVICE COMPANY, INC., Route 3, Petty Lane, Columbia, Tennessee 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Toxic waste or hazardous materials* between points in the States of AL, AR, CT, FL, DE, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV and WI. Supporting shippers: Clayton Chemical Co., 10 South Brentwood Blvd., Clayton, MO 63105; Copeland Corp., P.O. Box 1309, Harselle, AL 35640; Fruehauf Co., 10900 Harper Ave., Detroit, MI and a list containing 89 additional names to be served.

The following applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 40978 (Sub-4–13TA), filed February 25, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Such commodities as are dealt in or used by retail department stores* between points in IA, IL, IN, KY, MI, MN, MO, OH, and WI. Restricted to traffic originating at or

destined to the facilities of Montgomery Ward & Co., Incorporated. Supporting shipper: Montgomery Ward & Co., Incorporated, One Montgomery Ward Plaza, Chicago, IL 60671.

MC 051146 (Sub-4–60TA), filed February 25, 1981. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid (same address as applicant). *Contract, irregular: Such commodities as are dealt in by grocery and food business houses* from Battle Creek, MI; Chicago and Kankakee, IL; Evansville and Lafayette, IN; Hoboken and Clifton, NJ; and Dover, DE to Cleveland, OH and points in its commercial zone, under a continuing contract with General Foods Corporation, 250 North Street, White Plains, NY 10625. Supporting shipper: General Foods Corp., 250 North Street, White Plains, NY 10625.

MC 52580 (Sub-4–2TA), filed February 25, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall Street SW., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *General Commodities, except Classes A and B explosives,* between Grand Rapids, MI and its Commercial Zone, on the one hand, and, on the other, points in (1) MI; (2) the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; (3) the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kisciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and (4) the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Applicant requests that it be permitted to tack or combine the foregoing authority, or, alternatively, it is requested that authority be granted on a territorial basis as follows: *General Commodities, except Classes A and B explosives,* between points in MI, the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Supporting shippers: F. W. Woolworth, North Central Regional Office, 915 Lee St., Des Plaines, IL 60016; and K Mart Corporation, 310 W. Big Beaver Rd., Troy, MI 48084.

MC 52580 (Sub-4–3TA), filed February 25, 1981. Applicant: COLUMBIAN STORAGE & TRANSFER CO., 900 Hall Street SW., Grand Rapids, MI 49502. Representative: Kenneth T. Johnson, Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *General Commodities, except Classes A and B explosives,* between Detroit, MI and its Commercial Zone, on the one hand, and on the other, points in (1) MI; (2) the OH Counties of Williams, Fulton, Lucas, Wood and Ottawa; (3) the IN Counties of Steuben, DeKalb, Allen, Lagrange, Noble, Elkhart, St. Joseph, LaPorte, Porter, Lake, Kosciusko, Marshall, Whitley, Wells, Adams and Huntingdon; and (4) the IL Counties of Lake, McHenry, DuPage, Will, Kane and Cook. Supporting shippers: Handleman Company, 1055 W. Maple Rd., Clawson, MI 48017 and Advanced Pool Distribution, P.O. Box #72, Madison Heights, MI 48071.

MC 60325 (Sub-4–1TA), filed February 27, 1981. Applicant: JEFFERSON LINES, INC., 1206 Currie Ave., Minneapolis, MN 55403. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, Iowa 50309. *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations,* beginning and ending at points in Carroll, Greene, Sac, Calhoun, Webster, Cherokee, Buena Vista, Pocahontas, Humboldt, Palo Alto, Kossuth, Dickinson, and Emmet Counties, IA, and extending to points in the U.S. (including Alaska but excluding Hawaii). Supporting shippers: All Travel, 612 Second Street, Webster City, IA 50595; Travel and Transport, Crossroads Mall, Fort Dodge, IA 50501; Sons of Norway, 202 S. Fort Street, Eagle Grove, IA 50533; Ogden High School Senior Class, Ogden, IA 50212.

MC 82492 (Sub-4–10TA), filed February 25, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Metal working chemicals, rust preventing compounds, cleaning compounds, and Sodium Nitrate* (Except in Bulk), from the facilities of Amchem Products, Inc., Warren, MI to IL, IA, KS, KY, MN, MO, NE, ND, SD, TN, and WI. Supporting shipper: Amchem Products, Inc., 300 Brookside Ave., Ambler, PA 19002.

MC 82492 (Sub-4–11TA), filed February 27, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). (1) *Soap and cleaning compounds, fuel oil conditioners, ice control compounds, chemicals, waxes, fuel and oil additives, household deodorants and disinfectants; and (2) materials equipment and supplies* used in the manufacture and distribution of the commodities in (1) above. Restricted in (1) and (2) above against the transportation of commodities in bulk, from the facilities of Malco Products, Inc., at or near Barberton, OH, to points in IL, IN, IA, KS, KY, MN, MI, MO, NE, points in NY on and west of Interstate Hwy. 81, ND, points in PA on and west of Interstate Hwy. 81, PA Hwys. 9 and 100 and U.S. Hwy. 202, SD, TN, and WI. Supporting shipper: Malco Products, Inc., 361 Fairview St., Barberton, OH 44203.

MC 82492 (Sub-4–12TA), filed February 27, 1981. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). *Printed matter,* from the facilities of Dayton Press, Inc., at or near Dayton, OH, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY on and west of Interstate Hwy. 81, ND, PA on and west of Interstate Hwy. 81, PA Hwys. 9 and 100 and U.S. Hwy. 202, SD, TN, and WI. Supporting shipper: Dayton Press, Inc., 2219 McCall Street, Dayton, OH 45401.

MC 106674 (Sub-4–41TA), filed February 27, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and paper products* between Middletown, OH and Natchez, MS on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Diamond International Corporation, 733 Third Avenue, New York, NY 10017.

MC 106674 (Sub-4–42TA), filed February 27, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *General Commodities (except Classes A and B explosives) commodities in bulk, household goods as defined by the Commission and those of unusual value)* from Passaic County, NJ to Lenawee County, MI; Fulton County, GA; Cook County, IL; Hinds County, MS; St. Louis, MO; and Tarrant County, TX. Supporting shipper: Hercules Chemical Company, Inc., 111 South Street, Passaic, NJ 07055.

MC 107295 (Sub-4–27TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT, CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *General commodities* (except Class A and B explosives), between the facilities

of Roblin Industries at Stroud, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Roblin Industries, Inc., 241 Main St., Buffalo, NY 14203.

MC 107295 (Sub-4-28TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT, CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Pipe, casing, tubing and couplings,* from Birmingham, AL; Pueblo, CO; Alton, Carlinville, and Chicago, IL; Panama City, FL; Newport, KY; Baton Rouge, Houma, Lafayette and Morgan City, LA; Sparrows Point, MD; St. Louis, MO; Davis and Oklahoma City, OK; Pittsburg, PA; and Houston, TX, to points in AL, AR, CO, FL, IL, KS, KY, LA, MD, MN, MO, OK, PA and TX. Supporting shipper: Bestway Tube and Steel, Inc., 601 Westburg Square, Houston, TX 77035.

MC 107295 (Sub-4-29TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Pipe, tubing and torsion bars,* from Harris County, TX, to points in LA, OK and TX. Supporting shipper: C. A. Crafts and Assoc., 3311 Richmond Ave., Houston, TX 77019.

MC 107295 (Sub-4-30TA), filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Concrete forming products,* from Houston, TX, to points in AL, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: Superior Concrete Accessories, Inc., 6417 Toledo, P.O. Box 7453, Houston, TX 77008.

MC 107295 (Sub-4-31TA filed February 25, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). (1) *Metal building parts, metal building sections, metal structural components,* from Fort Bend County, TX, and Chilton County, AL to points in the U.S. (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) above, in the reverse direction. Supporting shipper: Engineering Components, 13410 Murphy Road, Stafford, TX.

MC 111375 (Sub-4-4TA), filed February 25, 1981. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant). *general commodities (except household goods, explosives and commodities in bulk)* between the facilities of Wisconsin Shippers Association located at Milwaukee, WI on the one hand, and, on the other, points in AZ, CA, CO, OR, UT and WA. Supporting shipper: Wisconsin Shippers Association, Inc., 5253 North Hopkins Street, Milwaukee, WI 53209.

MC 111812 (Sub-4-29TA), filed February 19, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Pulp, paper or allied products and printed matter as described in Items 26 and 27 of the Standard Transportation Commodity Code Tariff,* between the facilities of Time, Inc. located at points in IL, KY, OH, TN and WI on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Time, Inc., 303 East Ohio Street, Chicago, IL 60611.

MC 114632 (Sub-4-27TA), filed November 24, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David Peterson (same address as applicant). *General Commodities (except those of unusual value, classes A & B explosives, and household goods as defined by the Commission),* from the facilities of Charter Oak Shippers Cooperative Association and its members located at points in CT, MA, and NY to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI & WY. An underlying ETA seeks 120 days authority. Supporting shipper: Charter Oak Shippers Cooperative Association, Inc., One Parkland Drive, Box 1147, Darien, CT 06820.

MC 114829 (Sub-4-7TA), filed February 27, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling IL 71081. Representative: Daniel C. Sullivan, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract: irregular: Such commodities as are dealt in by wholesale or retail food business houses, and equipment, materials and supplies used in the conduct of such businesses,* between points in Cook County, IL, on the one hand, and, on the other, points in PA and OH under contract(s) with Topco Associates, Inc. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 117940 (Sub-4-5TA), filed February 24, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Such commodities as are dealt in by or used in the operation of retail department stores* (except foodstuffs, commodities in bulk, and household goods as defined by the Commission) from the facilities of Allied Stores Marketing Corporation at points in Hudson County, NJ to points in IN, NM, OH, OR, TX and WA. Supporting shipper: Allied Stores Marketing Corp., 1114 Avenue of the Americas, New York, NY 10036.

MC 117940 (Sub-4-6TA), filed February 25, 1981. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Chemicals and synthetic cloth and fiber* from Borger, TX to Winona, MN; from Winona, MN to Asheville, NC; from Asheville, NC to Chicago, IL; from Chicago, IL to Minneapolis, MN. Supporting shipper: CEA-Carter Day Company, 500 73rd Avenue NE, Minneapolis, MN 55432.

MC 118696 (Sub-4-35TA), filed February 25, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *New furniture (including vanities, kitchen cabinets, and shelving therefor) and materials, equipment, and supplies* used in the manufacture and distribution thereof, between Union City, IN; Nashville, TN; Jackson, TN; Auburn, NE; Lakeland, FL; Nashville, NH; Elizabeth City, NC; Nappanee, IN; Morristown, TN; Center, TX, McKinney, TX and Jefferson City, TN, on the one hand, and, on the other, points in and east of the states of ND, SD, NE, KS, OK, and TX. Supporting shipper: Triangle Pacific Corp., 16803 Dallas Parkway, Dallas, TX 75248.

MC 128008 (Sub-4-1TA), filed February 25, 1981. Applicant: VALLEY CARTAGE, INC., 960 Spruce, Terre Haute, IN 47807. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract:* Irregular (1) *Glass containers* from the facilities of Midland Glass, Inc., located at Terre Haute, IN to Belleville and Chicago, IL, Newport, KY, Detroit, MI, St. Louis, MO, Cincinnati, OH and Milwaukee, WI, under contract(s) with Midland Glass Company, Inc. (2) *Malt beverages,* from Bellesville, IL, Newport, KY and Cincinnati, OH, to Terre Haute, IN, under contract(s) with Brentlinger Distributing Co., Inc. Supporting shippers: Midland Glass Company, Inc., Cliffwood, NJ 07721 and Brentlinger Distributing Co., Inc., Terre Haute, IN 47807.

MC 138420 (Sub-4–3TA), filed February 25, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Malt beverages* from Chicago, IL to points in AR, IL, IN, IA, KY, MI, MN, MO, OH, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: The Stroh Brewing Company, 1 Stroh Drive, Detroit, MI 48226.

MC 139482 (Sub-4–28TA), filed February 27, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877 New Ulm, MN 56073. *Chemicals, resins, adhesives, fiberglas & medical products, honeycomb cellular panels, fiber composite materials and any other products utilized by the aerospace industry,* between all points in the U.S. and Winnipeg, Manitoba, Canada. Restricted to the transportation originating at or destined to the facilities utilized by Hexcel Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Hexcel Corp., 11711 Dublin Blvd., Dublin, CA 94566.

MC 142336 (Sub-4–1TA), filed February 25, 1981. Applicant: D. TERRY CHAMNESS, d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 South 12th Street, Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Reinforced structural concrete products, including beams and joists* from Kalamazoo County, MI to various points in IN, IL, OH and PA. Supporting shipper: Precast Schokbeton, Incorporated, 3102 E. Court Street, Kalamazoo, MI 49003.

MC 143280 (Sub-4–8TA), filed February 26, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs and kindred products and containers,* between Brown, Milwaukee and Chippewa Counties, WI and Big Stone and Sibley Counties, MN, on the one hand, and, on the other hand, points in the U.S. Supporting shipper: Big Stone, Inc., P.O. Box 186, Chaska, MN 55318.

MC 143280 (Sub-4–9TA), filed February 26, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper Products,* from Outagamie County, WI, to points in the U.S. Supporting Shipper: Amricon Corp., P.O. Box 179, Appleton, WI 54912.

MC 144452 (Sub-4–4TA), filed February 25, 1981. Applicant: ARLEN LINDQUIST, d.b.a., ARLEN E. LINDQUIST TRUCKING, 9172 Davenport Street NE, Minneapolis, MN 55434. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Petroleum and its products,* from Roxana, IL to points in KS, IA, MO, NE, OK, and WY. An underlying ETA seeks 120 days authority. Supporting shipper: John Deere Company, 3210 East 85th Street, Kansas City, MO, 64132.

MC 144696 (Sub-4–5TA), filed February 25, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom Street, Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract:* Irregular: *Foodstuffs,* Between Battle Creek, MI, and Naperville, IL. An underlying ETA seeks 120 days authority. Supporting shipper: LOTTE U.S.A., Inc., 5243 Wayne Road, Battle Creek, MI 49015.

MC 144741 (Sub-4–3TA), filed February 25, 1981. Applicant: NETTLETON ENTERPRISES COMPANY, INC., d.b.a. NORWOOD TRANSPORT COMPANY, Route 1, Box 96, Elgin, IL 60120. Representative: Anthony E. Young, 29 South LaSalle Street, Chicago, IL 60603. *Machinery, and materials, equipment and supplies used in the manufacture and distribution of machinery* between the facilities of Economy Engineering located at or near Chicago, IL on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Economy Engineering Company, P.O. Box 1507, Bensenville, IL 60106.

MC 145042 (Sub-4–5TA), filed February 24, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933. *Food and related products* between the facilities of The Coca-Cola Company at or near Paw Paw, MI and various points in IL, IN, OH, WI, MN, ND, SD, IA, MO, KY, TN, WV, PA, NY, NJ, and FL. Supporting shipper: The Coca-Cola Company, Foods Division, P.O. Box 229, Paw Paw, MI 49079.

MC 145299 (Sub-4–1TA), filed February 25, 1981. Applicant: KEY LEASING, INC., 1423 Jefferson, Naperville, IL 60540. Representative: Stephen H. Loeb, Suite 2027, 33 North La Salle St., Chicago, IL 60602. *Contract* irregular: *Appliances and materials, equipment, and supplies used in the manufacture and distribution of appliances,* between the facilities of Amana Refrigeration, Inc., on the one hand, and, on the other, points in IL and IN. Supporting shipper: Amana Refrigeration, Inc., 11441 W. Melrose Street, Franklin Park, IL 60131.

MC 145664 (Sub-4–15TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Bricks, blocks, slabs, tiles and related building articles,* between points in St. Louis County, MN on the one hand, and, on the other, points and places in the U.S. Supporting shipper: Standard Builders Supply, 102 South 21st Avenue West, Duluth, MN 55806.

MC 145664 (Sub-4–16TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Construction, mining, railroad, forestry, and industrial equipment, supplies and materials used in the manufacture, sale, and distribution* thereof between points in St. Louis County, MN on the one hand, and, on the other, points and places in the U.S. Supporting shipper: Pettibone Corporation, 9335 West Gate Boulevard, Duluth, MN 55810.

MC 145664 (Sub-4–17TA), filed February 27, 1981. Applicant: STALBERGER, INC., 223 So. 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson, 223 So. 50th Ave. West, Duluth, MN 55807. *Food additives such as fumaric and malic acid,* between points in St. Louis County, MN on the one hand and between points in the U.S. on the other hand, as well as, and including, between points in the St. Louis County, MN and Port Huron, MI a point on the United States/Canada boundary line for furtherance to Canada. Restricted to the traffic of Alberta Gas Chemicals, Inc. Supporting shipper: Alberta Gas Chemicals, Inc., Spring St. at Waterfront, Duluth, MN 55808.

MC 147572 (Sub-4–3TA), filed February 25, 1981. Applicant: COUNTRY LEASING, INC., 8206 Park Avenue, Allen Park, MI 48101. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. *Contract;* Irregular, *cake mixes, preservation chemicals, sugar, prepared mixes and ingredients, chocolate, shortening, meat by-products, and containers (bags, boxes, packages, and plastic and metal containers) used in packaging the above commodities,* between points in IL, IN, IA, KY, MI, MO, OH, PA and WI. Supporting shippers: Unisource Foods Co. and its

wholly owned subsidiaries, Amendt Milling Co., Michigan Shortening Co. and New Quality Prepared Flour, 2000 Division, Detroit, MI 48207.

MC 146955 (Sub-4–1TA), filed February 25, 1981. Applicant: LAMER'S BUS LINES, INC., 2407 S. Point Road, Green Bay, WI 54303. Representative: Stanley C. Olsen, Jr., Olsen, Snelling, & Christensen, P.A., 5200 Wilson Road, Ste. 307, Edina, MN 55424. *Passengers and their baggage, in charter operations, and baggage of passengers in separate vehicle* between points in Outagamie County, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Nationwide Travelers, Inc., 1515 Graceland Avenue, Appleton, WI 54911.

MC 151665 (Sub-4–3TA), filed February 25, 1981. Applicant: MAGNUM, LTD., Box 775, Hillsboro, ND 58045. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Lumber and wood products,* from points in WA, OR, ID, MT, CA, TX, AR, and LA to points in ND, SD, and MN. An underlying ETA seeks 120 days authority. Supporting shipper: Lavelle Company, Box 2583, 115 South 31st Street, Fargo, ND 58108.

MC 152701 (Sub-4–3TA), filed February 26, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14513 Leo Road, Leo, IN 46765. Representative: Jerry P. Carnes (address same as applicant). *Contract* irregular: *(1) Motor truck bodies and related parts and equipment; and (2) equipment, materials and supplies used in the manufacture, distribution and sale of (1) above* between Allen County, IN on the one hand, and, on the other hand, points in the U.S. Restricted to traffic moving under continuing contracts with The Truck Engineering Company, Inc. Supporting shipper: The Truck Engineering Company, Inc., 3200 East Pontiac Street, Fort Wayne, IN 46803. An Emergency Temporary Authority Application seeks 120 days.

MC 153648 (Sub-4–2TA), filed February 25, 1981. Applicant: PATRICK C. SENG, d.b.a. S. & S. TRANSPORT, 1602 Sixth Avenue North, Grand Forks, ND 58201. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract:* Irregular: *Beverages, in containers, containers and closures,* from Alton, Chicago and Streator, IL; Eagan, Minneapolis, Moorhead, No. Mankato, St. Paul and Shakopee, MN; Sapulpa, Ok; Corsicana, TX; and LaCrosse and Milwaukee, WI, to Grand Forks, ND. Restricted to traffic moving under continuing contract with Grand Forks Coca Cola Bottling Co. An underlying ETA seeks 120 days authority. Supporting shipper: Grand Forks Coca Cola Bottling Co., P.O. Box 578, Grand Forks, ND 58201.

MC 153662 (Sub-4–1TA), filed February 27, 1981. Applicant: MIDWEST EQUINE EXPRESS, INC., 978 11th Ave. NW., New Brighton, MN 55112. Representative: Wilburn Dorn, 300 E. Main St., Suite 300, Anoka, MN 55303. *Livestock, other than ordinary, including race and show horses, ponies and mules, and also all articles necessary for the care and showing of such animals* between points in the U.S. Supporting shipper: There are seven supporting shippers.

MC 154280 (Sub-4–1TA), filed February 25, 1981. Applicant: HERALD LIMA, d.b.a. HAL TRANSPORT SERVICE, 1514 E. Thomas Ave., Milwaukee, WI 53211. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *(1) Paper products and (2) equipment, materials and supplies used in the manufacture and distribution of commodities named in (1)* between points in the United States, under continuing contracts with Wisconsin Paperboard Corporation, Milwaukee, WI. Supporting shipper: Wisconsin Paperboard Coporation, 1514 E. Thomas Avenue, Milwaukee, WI 53211.

MC 154343 (Sub-4–1TA), filed February 24, 1981. Applicant: HERITAGE TRAILS, INC., 16020 Forest, Oak Forest, IL 60452. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Passengers and their baggage, in special or charter operations,* beginning and/or ending at Daytona Beach, FL and extending to IL, IA, IN, KS, MN, MO, MI, OH and WI. Supporting shipper: Neptune Inn, 2655 S. Atlantic Ave., Daytona Beach, FL 32018.

MC 154366 (Sub-4–1TA), filed February 26, 1981. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Road, Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Chemicals, fertilizer, and feed ingredients* from points in MN, IA, and IL to Black Earth, Mt. Horeb, and Hollandale, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Mt. Horeb Farmers' Co-operative, 102 East Lincoln Street, Mt. Horeb, WI 535721 and Patrons' Mercantile Co-operative, 1131 Mills Street, Black Earth, WI 53515.

MC 154378 (Sub-4–1TA), filed February 25, 1981. Applicant: INTERCOASTAL FREIGHTWAYS, 649 Nightingale, Dearborn, MI 48128. Representative: H. Brian Hutchinson, 305 New York Blvd., Sea Girt, NJ 08750. *Contract:* Irregular; *Processed and unprocessed film* Between Detriot, MI Pittsburgh, PA and Newark, NJ. Supporting shipper: Guardian Photo 43043 W. Nine Mile, Novi, MI.

MC 154383 (Sub-4–1TA), filed February 25, 1981. Applicant: ROBERT WODILL, d.b.a. WODILL TRUCKING, Route 1, Fall River WI 53932. Representative: James A. Spiegel, Attornery, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract;* irregular; *feed and feed ingredients, and materials, equipment and supplies used in the manufacture, sale, and distribution of such commodities,* between Madison, Columbus, Fall River and Portage, WI, and Points in IL, IN, IA, MI, and MN. Restricted to transportation performed under a continuing contract(s) with Vita Plus Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Vita Plus Corporation, 1508 West Badger Road, Madison, WI 53713.

MC 4483 (Sub-4–4TA), filed February 24, 1981. Applicant: MONSON TRUCKING, INC., R.R. #1, Red Wing, MN 55066. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Chemicals and related products and equipment and supplies used in connection therewith,* from points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI to the upper peninsula of MI, those points in and north of Polk, Barron, Rusk, Price, Lincoln, Oneida, Forest and Marinette Counties, WI, and those points in, north and east of Koochiching, Itasca, Aitken, Kanabec and Pine Counties, MN. Supporting shipper: Arrowhead Chemicals, Inc., 2026 Winter Street, Superior, WI 54880.

MC 8515 (Sub-4–6TA), filed February 24, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Alcoholic liquors and materials, equipment, and supplies used in the manufacture and distribution,* between points in IL and NJ on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Hiram Walker & Sons, Inc., P.O. Box 479, Foot of Edmund Street, Peoria, IL 61651.

MC 29555 (Sub-4–4TA), filed February 24, 1981. Applicant: BRIGGS TRANSPORTATION CO., N–400 Griggs-Midway Building, St. Paul, NW 55104. Representative: Winston W. Hurd (same address as applicant). *General commodities (except household goods as defined by the Commission and Classes A & B explosives),* serving

points in the following counties in the State of KY as off-route points in connection with carrier's otherwise authorized regular route service: Union, Webster, Henderson, Daviess, McLean, Muhlenberg, Ohio, Hancock, Breckinridge, Grayson, Edmonson, Warren, Butler, Hopkins, Meade, Hardin, Hart, Bullitt, Jefferson, Nelson, Spencer, Shelby, Anderson, Franklin, Woodford, Fayette, Jessamine. Applicant intends to interline. Applicant intends to tack to its existing authority and any authority it may acquire in the future. Supporting shippers: There are 219 statements of support attached.

MC 69833 (Sub-4-13TA), filed February 23, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, NW, 6th Floor, Grand Rapids, Michigan 49503. Representative: Harry Pohlad (same address as applicant). *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of J. I. Case, Burlington, Iowa as an off-route point in connection with carrier's authorized regular route operations. Supporting shipper: J. I. Case, Racine, WI.

MC 84273 (Sub-4-2TA), filed February 24, 1981. Applicant: JONES TRUCKING CO., INC., 3020 Bay View Dr., Green Bay, WI 54301. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract;* irregular: *Cheese, cheese products, and materials, equipment, and supplies used in the manufacture and distribution of cheese and cheese products* between Hopkinton, IA and Green Bay, WI under a continuing contract(s) with Swift & Company. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 105045 (Sub-4-30TA), filed February 23, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager, (same as above). *Dust collectors and components thereof,* between Baltimore, MD and NC, SC, VA, WV, DE, NJ, PA, CT, MA, RI, VT, NH, and ME. Supporting shipper: Dixie Manufacturing, 1501 W. Patapsco Ave., Baltimore, MD 21230.

MC 108453 (Sub-4-6TA), filed February 24, 1981. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MI 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except in bulk)* between points in IL, IN, MI and OH, under a continuing contract with ACM Plastic Products. Supporting shipper: ACM Plastic Products, 307 Magnolia, Sturgis, MI 49091.

MC 114194 (Sub-4-13TA), filed February 25, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell (same as applicant). *Foundry core compounds and silicate of soda, in bulk,* from Chicago, IL. to King of Prussia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Foseco, Inc., 20200 Sheldon Rd., Brookpark, OH 44152.

MC 114632 (Sub-4-26TA), filed February 23, 1981. Applicant: APPLE LINES, INC., PO Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *General commodities (except household goods, commodities in bulk, and articles of unusually high value),* between the facilities of the North Eastern Pennsylvania Shippers Cooperative Association, Inc. and its members located in NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: North Eastern Pennsylvania Shippers Cooperative Association, Inc., 1212 O'Neill Highway, Dunmore, PA 18512.

MC 114829 (Sub-4-6TA), filed February 23, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 71081. Representative: Bernard J. Kompare, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. *Contract,* irregular: *Such commodities as are dealt in or used by manufacturers of paper, paper and plastic products, and containers,* between points in the U.S., under contract(s) with Stone Container Corporation and Brothers Paperbox Company. Supporting shipper: Stone Container Corporation, 360 North Michigan Avenue, Chicago, IL 60601; and Brothers paperbox Company, 1600 East 22nd Street, Sioux City, IA 51104.

MC 115543 (Sub-4-1TA), filed February 24, 1981. Applicant: MINNESOTA STONE TRUCKING COMPANY, Route 5, Mankato, MN 56001. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Stone products* (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* from points in Blue Earth and LeSeuer Counties MN to points in CT, NJ, and NY under a continuing contract or contracts with Vetter Stone Company. An underlying ETA seeks 120 days authority. Supporting shipper: Vetter Stone Company, P.O. Box 38, Mankato, MN 56050.

MC 119619 (Sub-4-9TA), filed February 24, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, Queens Office Building, 95-25 Queens Boulevard, Rego Park, NY 11374. *Diphenylmethane diisocyanate* in Interline Service from points in the Chicago, IL Commercial Zone; To points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Rubicon Chemicals Inc., P.O. Box 517, Geismar, LA 70734.

MC 125551 (Sub-4-3TA), filed February 23, 1981. Applicant: K & W TRUCKING CO. INC., 101 Cooper Ave. North, St. Cloud, 56301. Representative: Rollie H. Anderson (same as above). *Contract* irregular: *Aluminum and Aluminum Articles,* between Ferndale, WA., on the one hand, and, on the other, points in the U.S. Supporting shipper: Intalco Aluminum Corp., P.O. Box 937 Ferndale, WA, 98248.

MC 135410 (Sub-4-21TA), filed February 23, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Plastic and rubber articles* from Montpelier, IN and Mora, MN, and points in their Commercial Zones to the facilities of McLaughlin Body Company at E. Moline, IL and points in its Commercial Zone. Supporting shipper: McLaughlin & Body Company, 2430 3rd Avenue, Mobile, IL 61265.

MC 139992 (Sub-4-1TA), filed February 20, 1981. Applicant: A & M CARTAGE, INC., 6515 South Austin Boulevard, Chicago, IL 60638. Representative: Paul J. Maton, Ten South LaSalle Street, Suite 1620, Chicago, IL 60603. *Furniture, household furnishings, household appliances, and related parts and items* between Chicago, IL, on the one hand, and, on the other, Cook, Lake, Du Page, Will, Kane, McHenry, Boone, Winnebago, De Kalb and Kendall Counties, IL, Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Rock, Jefferson, Dodge, Columbia, Dane and Green Counties, WI, Lake, Porter, LaPorte, and St. Joseph Counties, IN. Supporting shippers: A & R Sales, Inc., 1635 Merchandise Mart, Chicago, IL 60654; Bassett Mirror Company, Inc., P.O. Box 3515, Merchandise Mart, Chicago, IL 60654; Service Furniture Distributors, 6515 S. Austin, Chicago, IL 60638; Baumgarten-Samuel Sales, Inc.,

P.O. Box 3515, Merchandise Mart, Chicago, IL 60654: Heady and Connor, Inc., 600 N. McClurg Ct., Suite 4112A, Chicago, IL, 60611.

MC 140942 (Sub-4–1TA), filed February 23, 1981. Applicant: CLOVERDALE TRANSPORTATION COMPANY, 3015 34th Street NW., P.O. Box 578 Mandan, ND 58554. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Contract, irregular: Food and related products,* from Baltimore, MD and its Commercial Zone to Mandan, ND, under continuing contract(s) with Cloverdale Foods Company. Supporting shipper: Cloverdale Foods Company, Mandan, ND 58554.

MC 145164 (Sub-4–1TA), filed February 24, 1981. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larsen Road, Oshkosh, WI 54901. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Polyethylene and polypropylene,* from New London, WI, to points in IL; and (2) *Scrap polyethylene and scrap polypropylene,* from points in IL to New London, WI; under continuing contract(s) with New London Resin Co. An underlying ETA seeks 120 days authority. Supporting shipper: New London Resin Co., 313 West Wolf River Avenue, New London, WI, 54961.

MC 145828 (Sub-4–2TA), filed February 24, 1981. Applicant: RONALD L. JONES, d.b.a. ALGOMA FARMS, 1762 Leonard Road, Oshkosh, WI 54901. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* Irregular; *Precast concrete beams, roof decks, joists, double-T's, crypts, and panels* from Oshkosh, WI, to Golden, CO. Restricted to transportation performed under a continuing contract(s) with Duwe Precast Concrete Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Duwe Precast Concrete Products, Inc., 1770 South Koeller Road, Oshkosh, WI 54901.

MC 146753 (Sub-4–8TA), filed February 23, 1981. Applicant: SAM YOUNG, INC., Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. *Non-metallic minerals,* between Limestone County, TX, and New London, County, CT, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ottawa Silica Company, Texas Industrial Minerals (A Subsidiary), P.O. Box 557, Ottawa, IL 61350.

MC 147199 (Sub-4–4TA), filed February 24, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut, P.O. Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Glass, glass products, and materials, equipment, and supplies* used in the manufacture and distribution thereof (1) between LaSalle County, IL and Wood and Lucas Counties, OH, on the one hand, and the states of TX, LA, and OK, on the other hand, and (2) between LaSalle County, IL, on the one hand, and Wood and Lucas Counties, OH, on the other hand. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Ave., Toledo, OH 43695.

MC 147209 (Sub-4–1TA), filed February 24, 1981. Applicant: QUASAR EXPRESS, INC., P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. *General Commodities* (except Classes A and B explosives), between points in Sioux Falls, SD and its commercial zone, on the one hand, and, on the other, points in IL, IN, MI, OH and WI. Supporting shippers: Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane, Minneapolis, MN 55440; Midwest Consolidators, Inc., 324 E. Eighth Street, Sioux Falls, SD 57102.

MC 147264 (Sub-4–10TA), filed February 25, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Avenue, Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Bananas* from Galveston, TX to points in AR, IL, IN, IA, KS, KY, LA, MO, NE, OK, OH, TN and TX. An underlying ETA seeks 120 days authority. Support shipper: Castle & Cooke Foods, 2900 Veterans Blvd., Metaire, LA 70002.

MC 148175 (Sub-4–3TA), filed February 25, 1981. Applicant: ROBERT DENTON d.b.a. SPIRIT TRUCKING COMPANY, 8700 South Wolf Road, Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Such commodities as are dealt in or used by mail order houses and retail department stores, household and personal care products* between Ada, MI on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Amway Corporation, 7500 East Fulton Road, Ada, MI 49355.

MC 149477 (Sub-4–5TA), filed February 24, 1981. Applicant: BECKSTROM ENTERPRISES, INC., P.O. Box 56, Gwinner, ND 58040. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. *Contract* Irregular: *(1) Rolled steel tracks, axles and axle components, and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in the U.S. under continuing contracts with Loegering Manufacturing, Inc. of Casselton, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Loegering Manufacturing, Inc., P.O. Box 807, Casselton, ND 58012.

MC 152701 (Sub-4–2TA), filed February 24, 1981. Applicant: KRYDER'S, INC., P.O. Box 57, 14513 Leo Road, Leo, IN 46765. Representative: Jerry P. Carnes (same address as applicant). *Contract Irregular: Such commodities as are dealt in or used by a processor of scrap materials* between Dallas, TX and points in CA, CO, IL, LA, MA, MN, MO, NE, NM, OH, OK, OR and PA under continuing contract with Cal West Metals. An underlying ETA seeks 120 days authority. Supporting shipper: Cal West Metals, 4455 L.B.J. Freeway—Suite 908, Dallas, TX 75234.

MC 153407 (Sub-4–1TA), filed February 25, 1981. Applicant: NATIONAL TRANSIT LEASING CORPORATION, 2751 South Chase Avenue, Milwaukee, WI 53207. Representative: Thomas G. Schober, Esq., Schober & Radtke, Attorneys, 15525 W. National Avenue, Post Office Box 65, New Berlin, WI 53151. *Contract* irregular: *weldments, castings, bar stock and component assembly parts* used in the manufacturing of machine centers and machine tools between points in the U.S. under continuing contracts with Kearney & Trecker Corp., West Allis and Butler, WI and Georgetown Manufacturing Corp., Georgetown, KY. Supporting shipper: Kearney & Trecker Corp., 1100 Theodore Trecker Way, Milwaukee, WI 53214.

MC 153823 (Sub-4–1TA), filed February 23, 1981. Applicant: ADVANCED IRRIGATION, INC., P.O.B. 818, West Fargo, ND 58078. Representative: Gene P. Johnson, P.O.B. 2471, 700 Metropolitan Building, Fargo, ND 58108. *Liquid storage tanks, mountings and applicators,* (1) between Fargo, ND, on the one hand, and, on the other, points in MN, NE, MT, and SD; and (2) from St. Bonifacius, MN, to points in CO, ID, IA, MT, NE, ND and SD, under contract with Horvick Manufacturing Company, Moorhead, MN, and Norwesco, Inc., St. Bonifacius, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Horvick Manufacturing Company, P.O. Box 702, Moorhead, MN 56560, and Norwesco, Inc., 4365 Steiner St., St. Bonifacius, MN 55375.

MC 154283 (Sub-4–1TA), filed February 23, 1981. Applicant: ELGIN MILK SERVICE, INC., Route 1, Elgin, MN 55932. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. (1) *Cheese* and (2) *materials, equipment and supplies used in the manufacture of the commodities in (1) above,* between Elgin, MN and Green Bay, WI under a continuing contract or contracts with Elgin Cooperative Creamery. An underlying ETA seeks 120 days authority. Supporting shipper: Elgin Cooperative Creamery, Box 117, Elgin, MN 55394.

MC 154312 (Sub-4–1TA), filed February 23, 1981. Applicant: AGRI CARRIERS, INC., Rt. 2, Box 110, Covington, In 47932. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. (1) *liquid and dry fertilizer, anhydrous ammonia, and ag limestone* from IL, KY, OH, and IN to Warren, Vermilion and Fountain Counties, IN and Vermilion County, IL; (2) *liquid and dry fertilizer* from Danville, IL to IN. Supporting shippers: Tri-Co Ag, Box 38, Stateline, IN 47982 and Stone Bluff Grain Co., Inc., R.R. 4, Veedersburg, IN 47987, West Central Indiana Cooperative, Box 158, Veedersburg, IN 47987.

MC 154344 (Sub-4–1TA), filed February 24, 1981. Applicant: EMIL E. ZIEGLER, d.b.a. ZIEGLER TRUCKING CO., RFD 3, Tripp, SD 57376. Representative: A.J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls SD 57101. *Fertilizer and fertilizer ingredients,* from points in Woodbury and Lee Counties, IA and Minneapolis, MN and points in its commercial zone, to points in Hutchinson and Bon Homme Counties, SD. An underlying ETA seeks 120 day authority. Supporting shipper: Kaylor Grain Co., Kaylor, SD 57354; Cargill, Inc., Scotland, SD 57059; Coop Farmers Association of Scotland, Scotland, SD 57059.

MC 154345 (Sub-4–1TA), filed February 24, 1981. Applicant: DICK HOGLO, d.b.a., DICK HOGLO TRUCKING, 311 South Arnold, Thief River Falls, MN 56701. Representative: Neil A. McEwen, Attorney at Law, Northern State Bank Building, Thief River Falls, MN 56701. (218) 681–3070. *Beer* between Thief River Falls, MN, to Milwaukee and La Crosse, WI, and St. Louis, MO, with empties and return to Thief River Falls, MN. Supporting shipper: Northwest Beverage, Inc., 419 Pennington Avenue South, Thief River Falls, MN 56701.

MC 154347 (Sub-4–1TA), filed February 24, 1981. Applicant: R. J. HALFMAN, 2401 Winnebago Drive, Fond du Lac, WI 54935. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. *(1) Paper products and (2) equipment, materials and supplies used in the manufacture and distribution of commodities named in (1)* between Fond du Lac, WI and points in IL and MN under continuing contracts with Wright Brothers Paper Box Co., Inc., Fond du Lac, WI. Supporting shipper: Wright Brothers Paper Box Co., Inc., 800 Morris Street, Fond du Lac, WI 54935.

MC 154375 (Sub-4–1TA), filed February 25, 1981. Applicant: ANAMAX TRANSPORTATION CORP., 2099 Shawano Ave., Green Bay, WI 54303. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. *Contract irregular: (1) Inedible meat products, meat by-products, and hides and skins; and (2) Materials, equipment and supplies used in the processing and/or distribution of the above-named commodities* between points in WI on the one hand and on the other, points in MI, MN, IA, IN, and IL under a continuing contract or contracts with Anamax Corporation. Supporting shipper: Anamax Corp., 2099 Shawano Ave., Green Bay, WI 54303.

MC 27754 (Sub-4–3TA), filed February 12, 1981. Applicant: FRANK J. KUBLY TRANSFER, INC., P.O. Box 135, Old Highway 11 and 81 East, Monroe, WI 53566. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Foodstuffs, malt beverages, promotional materials and materials, equipment and supplies used in the manufacture and distribution of such commodities* between points in WI, MN, IA, IL, IN, MI, MO, OH and ND. Supporting shippers: Senmar, Inc., P.O. Box 907, Monroe, WI 53566; Roy's Dairy, Inc., 307–11th St., Monroe, WI 53566; Armour & Co., 1720–14th Ave., Monroe, WI 53566.

MC 28060 (Sub-4–2TA), filed February 17, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, 1400 North Cliff Ave., P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Plastic products (except in bulk)* from Belle Plaine, MN to Sioux Falls, SD. Supporting shipper: Raven Industries, Inc., P.O. Box 1007, Sioux Falls, SD 57117.

MC 87820 (Sub-4–1), filed February 12, 1981. Applicant: THEDE BROS., INC., 316 So. Plum, Havana, IL 63644. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Carbonated beverages,* from Warrenton, MO to Havana, IL. Restricted to traffic moving under continuing contract with Havana Pepsi Cola Bottling Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Havana Pepsi Cola Bottling Co., Inc., 500 No. Promenade St., Havana, IL 62644.

MC 103993 (Sub-4–28TA), filed February 17, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (address same as applicant). *Motor vehicles* between Broward County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days. Supporting shipper: Zimmer Motor Car Corporation, Pompano Beach, FL 33060.

MC 105045 (Sub-4–26TA), filed February 17, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *Lumber and wood products,* between Philadelphia, PA, Camden, NJ and points in OH, WI, IN, MO, IL, and MI. An underlying ETA seeks 120 days authority. Supporting shipper: Litco, Inc., Hartwick, NY.

MC 108223 (Sub-4–6TA), filed February 17, 1981. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Drive, P.O. Box 43050, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Common carrier—regular route, *general commodities* (except classes A and B explosives) between Minneapolis-St. Paul, MN and Houston, TX; from Minneapolis-St. Paul over Interstate Highway 35 to junction Interstate 35E; then over Interstate 35E to junction Interstate Highway 45; then over Interstate 45 to Houston and return over the same route, serving all intermediate points and serving the off-route points of Forest City, IA; Topeka, KS and Tulsa, OK. There are 13 supporting shippers.

MC 113751 (Sub-4–4TA), filed February 17, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Resin, plastic products, and materials, equipment and supplies* used or useful in the manufacture or distribution of such commodities between points in the U.S. in and east of ND, NE, SD, CO, OK, and TX. An underlying ETA seeks 120 days. Supporting shipper: New London Resin Co., Div. of New London Plastics,

Inc., 313 West Wolf River Avenue, New London, WI 54961.

MC 118263 (Sub-4–3TA), filed February 13, 1981. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., Suite 708, McClure Building, Frankfort, KY 40601. *Photographic paper moving in vehicles equipped with mechanical refrigeration, except in bulk,* from the facilities of the Louisville Freezer Center to points in GA, TX, MN, IL, MO and WI. Supporting shipper: Mitsubishi International Corporation, General Merchandise Department, 277 Park Avenue, NY, NY 10172. An underlying ETA seeks 120 days authority.

MC 124078 (Sub-4–59TA), filed February 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Aragonite, in bulk,* from Perth Amboy, NJ to Dayville, CT. Supporting shipper: Glass Containers Corporation, 535 N. Gilbert Avenue, Fullerton, CA 92634.

MC 124078 (Sub-4–60TA), filed February 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Fertilizer, in bulk,* from Cottondale, FL to points in AL and GA. Supporting shipper: Gulf Coast Fertilizer Co., P.O. Drawer 8, Cottondale, FL 32431.

MC 133189 (Sub-4–10TA), filed February 17, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles,* from St. Louis, MO and Alton, IL to Cedar Rapids, IA. Supporting shipper: Midland Forge, a Division of Columbus-McKinnon Corp., P.O. Box 1627, Cedar Rapids, IA 52406.

MC 133689 (Sub-4–65TA), filed February 13, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *General commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to shipments originating at or destined to the facilities of Square D Company. Supporting shipper: Square D Company, P.O. Box 488, Florence, KY 41042.

MC 136512 (Sub-4–2TA), filed February 17, 1981. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, MN 55101. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Food and related products, cleaning compounds, toilet preparations, toothbrushes and margarine,* between points in the U.S., limited to the transportation of traffic to or from the facilities of Lever Brothers Company. Supporting shipper: Lever Brothers Company, 390 Park Avenue, New York, NY 10022.

MC 143023 (Sub-4–2TA), filed February 17, 1981. Applicant: CHIWAUKEE TRUCK LINES, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles and printed material,* from MN to IL, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Shaklee Corporation, 444 Market Street, San Francisco, CA 94111.

MC 143280 (Sub-4–5), filed February 10, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs* and *kindred products,* between Big Stone, SD on the one hand and points in the U.S. on the other hand, restricted to traffic originating at or destined to the facilities of Big Stone Cheese Factory, Inc. An underlying ETA seeks 120 days. Supporting shipper: Big Stone Cheese Factory, Inc., Big Stone, SD 57216.

MC 143280 (Sub-4–6), filed February 12, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Insulation* from the plantsite and facilities of Central Glass & Insulation at or near Milwaukee, WI; St. Louis, MO and Cleveland, OH to points in the U.S. An underlying ETA seeks 120 days. Supporting shipper: Central Glass & Insulation, 5629 W. Woolworth, Milwaukee, WI 53218.

MC 143280 (Sub-4–7TA), filed February 12, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic Products,* between the facilities of Packer Plastics, Inc., at Lawrence, KS and Reno, NV, on the one hand, and, on the other hand, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Packer Plastics, Inc., 2330 Packer Road, Lawrence, KS 66044.

MC 145544 (Sub-4–3TA), filed February 12, 1981. Applicant: W & M, INC., 15007 Chase Street, Crown Point, IN 46307. Representative: Philip A. Lee, 120 W. Madison St. Suite 618, Chicago, IL 60602. *Contract,* irregular: *New and used material handling and construction machinery, tractor attachments and parts; also equipment, materials and supplies used in the manufacture or distribution of the above described items* between points and places throughout the U.S., excluding AK and HI. Supporting shipper: Pettibone Corp., 4700 Division St., Chicago, IL 60657.

MC 146065 (Sub-4–2TA), filed February 17, 1981. Applicant: DAY TRANSFER, INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day (same as applicant). *Contract* irregular: General Commodities, restricted to a continuing contract(s) with Master Fit Corp., Indianapolis, IN, between continental limits of U.S. (excluding AK and HI). Supporting shipper: Master Fit Corp., 1853 Ludlow, Indianapolis, IN.

MC 146355 (Sub-4–2TA), filed February 17, 1981. Applicant: P-N-J KORNACKER, INC., 3030 West 10th Street, Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Salt, calcium chloride, animal and poultry feed, turf maintenance supplies and equipment, irrigation equipment and supplies, and materials and supplies used or useful in the manufacture and distribution of the above-named commodities* (except commodities in bulk), between points in IL, WI, MI, KS, IA, SC, NY, UT, OH, NE, CA, and MN. An underlying ETA seeks authority for 120 days. Supporting shipper: Reinders Brothers, Inc., 13400 Watertown Plank Road, Elm Grove, WI 53122.

MC 146991 (Sub-4–1TA), filed February 17, 1981. Applicant: SILICA SAND TRANSPORT, INC., Box 208, Routes 47 and 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Barite in bulk,* from Houston, TX to all points in the U.S. in and west of MS, AR, MO, KS, NE, ND and SD. An underlying ETA seeks authority for 120 days. Supporting shipper: Unibar Corporation, 7100 Regency Square Boulevard, Houston, TX 77036.

MC 148380 (Sub-4–11TA), filed February 12, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle

Street, Chicago, IL 60603. *Iron and steel articles,* between points in the U.S. in and east of ND, SD, NE, KS, OK and TX, under contract with Leets Steel Company. Supporting shipper: Leets Steel Company, 563 Tod Lane, Youngstown, OH 44504.

MC 148966 (Sub-4–6TA), filed February 17, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Hygrade Food Products Corporation at Storm Lake, Cherokee, Sioux City, and Des Moines, IA to points in AZ, CT, DC, DE, MA, MD, NJ, NY, OH, PA and VA. Supporting shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219.

MC 149280 (Sub-4–1TA), filed February 12, 1981. Applicant: M & A TRANSPORT, INC., 4117 Terminal Drive, Box 395, McFarland, WI 53558. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Liquid fertilizer* from (a) Peru and Bellevue, IL, to points in IA and WI, and (b) Dubuque, IA, to points in IL and WI. Supporting shipper: Kaiser Agricultural Chemicals, Box 65697, West Des Moines, IA 50265.

MC 153972 (Sub-4–1TA), filed February 10, 1981. Applicant: WILLIAM W. SCHROEDER, d.b.a. SCHROEDER & SONS CARTAGE, 8020 North Central Avenue, Morton Grove, IL 60053. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. *General commodities* between the Chicago, IL Commercial Zone and points in IN, KY, OH, PA and MI, under continuing contract with Felt Products Mfg. Co.—Fel-Pro, Inc., Skokie, IL.

MC 154040 (Sub-4–1TA), filed February 12, 1981. Applicant: JAY-MAR LEASING, INC., 7756 S. Mobile, Burbank, IL 60459. Representative: Stephen H. Loeb, 33 No. LaSalle St., Suite 2027, Chicago, IL 60602. *Garments on hangers and related accessories,* between points in IL, WI, MI, IN, IA, and MO. Supporting shippers: Lerner Shops of America, 5701 W. 73rd St., Bedford Park, IL 60638; Zayre Corporation, Barrington and Irving Park Road, Hanover Park, IL 60103.

MC 154107 (Sub-4–1TA), filed February 17, 1981. Applicant: DIXIE WEST TRUCKING, INC. P.O. Box 2526 Bismarck, ND 58502. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* irregular: *Lumber and wood products,* (1) from points in WA, OR, ID, CA and MT, to points in ND, MN, WI, MI, IL, SD, and IA, under contract with Ownes Forest Products Co., and (2) from points in WA, OR, ID, CA and MT to points in ND, SD, MN, IA, WI, IL, NE, and IN under contract with Sprenger Midwest, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Sprenger Midwest, Inc. 4660 West 77th St., Minneapolis, MN 55435, and Ownes Forest Products Co., 2320 E. 1st St., Duluth, MN.

MC 114194 (Sub-4–12TA), filed February 17, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donell, (same as applicant). *Molding sand additive,* from St. Louis, MO to Decautur, IL An underlying ETA seeks 120 days authority. Supporting shipper: M. A. Bell Co., 217 Lombard St., St. Louis, MO 63102.

MC 123133 (Sub-4–3TA), filed February 19, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: D. J. Denny, President (same as applicant). *Ink and reclaimed solvents* between Louisville, KY, on the one hand, and, on the other, Depew, NY. Supporting shipper: Inmont, Corp. 2148 41st St., Louisville, KY.

MC 138493 (Sub-4–3TA), filed February 20, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman street, Madison, WI 53703. *Contract irregular: Bananas* from Charleston, SC; Tampa, FL; Gulfport, MS; and New York, NY to Sheboygan, WI under a continuing contract(s) with Schultz-Sav-O Stores, Inc., Sheboygan, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Schultz-Sav-O Stores, Inc., 2215 Union Avenue, Sheboygan, WI 53081.

MC 145623 (Sub-4–4TA), filed February 20, 1981. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Concrete products and the materials and supplies used in connection with the production* thereof between the facilities of Superior Products Co., and its subsidiaries located in FL, MI, NY, OH, and PA, on the one hand, and, on the other, points in the U.S. (expect AK and HI) under continuing contract with Superior Products Co. Supporting shipper: Superior Products Co., 21819 W. 9 Mile Road, Southfield, MI.

MC 146071 (Sub-4–6TA), filed February 23, 1981. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *(1) Paper board and paper board products,* from the facilities of Yorktowne Paper Mill, Inc. of Maine, and its affiliates, located at or near Greenville and York, PA; Trenton, NJ; Ludlow and Lawrence, MA; and Gardiner, ME, to points in WI, IL, IN, MI, OH, KY, TN, NC, VA, WV, MD, DE, PA, NJ, CT, RI, MA, ME, NJ, VT, and NY; and (2) *Scrap paper,* from the destination states in (1) above, to the facilities of Yorktowne Paper Mill, Inc. of Maine, and its affiliates, located at or near York, PA and Gardiner, ME. An underlying ETA seeks 120 days authority. Supporting shipper: Yorktowne Paper Mill, Inc. of Maine, 1001 Loucks Mill Road, York PA 171403.

MC 147199 (Sub-4–3TA), filed February 19, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut St., Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Ag chemicals* between LaSalle County, IL, on the one hand, and the states of MI, WS, IN, OH, MO, and AR, on the other hand. Supporting shipper: Ottawa Strong and Strong, Inc., Rt. 23 North, Ottawa, IL 61350.

MC 147259 (Sub-4–9TA), filed February 23, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Rd., South Holland, IL 60473. *Rubber or Miscellaneous Plastic Products* (except commodities in bulk), between Parker County, TX on the one hand, and, on the other points in the U.S. (Except AK and HI). Supporting shipper: Robintech, 1202 N. Bowie Drive, Weatherford, TX 76086.

MC 152093 (Sub-4–2TA), filed February 18, 1981. Applicant: DALLAS MOSER d.b.a. DALLAS MOSER TRANSPORTERS, 1526 West Lancaster Street, Bluffton, IN 46714. Representative: James Bouril, Attorney at Law, 120 West Madison, Suite 1308, Chicago, IL 60602. *Motor homes* in driveaway service, between points in Northumberland County, PA, on the one hand, and, on the other, points in the states of FL, GA, SC, NC, WV, VA, PA, MD, DE, NY, CT, MA, NH, ME, RI. Underlying ETA seeks 120 days authority. Supporting shipper: Fleetwood Motor Homes of

Pennsylvania, Inc. P.O. Box 107, Paxinos, PA 17860.

MC 153721 (Sub-4–1TA), filed February 20, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Attorney at Law, Suite 800 Circle Tower, Five East Market Street, Indianapolis, IN 46204. *Styrofoam egg cartons,* between Will County, IL and Butler County, OH, on the one hand, and on the other, points in Jackson and Jennings Counties, IN. Supporting shipper: Rose Acre Farms, Inc., R.R. 5, Seymour, IN 47274.

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 200 (Sub-5–89TA), filed February 23, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities (except classes A and B explosives),* between points in OK and TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Halliburton Services, Drawer 1431, Duncan, OK 73536.

MC 200 (Sub-5–90TA), filed February 23, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *(1) containers, containers and closures, and (2) materials, supplies, and equipment used in the manufacture and distribution of commodities named in (1) above,* between points in Jefferson County, CO, on the one hand, and, on the other, points in Salt Lake and Weber Counties, UT. Supporting shipper: Ball Corporation, 345 So. High St., Muncie, IN 47302.

MC 26825 (Sub-5–13TA), filed February 23, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *General commodities, having a prior or subsequent movement by water,* between the facilities utilized by R. G. Hobelmann & Company, Inc.; Wilson-America Company; Barnhart & Associates; and George Engers Company, on the one hand, and, on the other, points in the U.S. Supporting shippers: R. G. Hobelmann & Company, Inc., 320 Pine Avenue, Long Beach, CA 90802; Wilson-America Company, 113 Sierra Street, El Segundo, CA 90245; Barnhart & Associates, 10914 South Lacienda, Englewood, CA 90304; and George Engers Company, 690 North Sepulveda, El Segundo, CA 90245.

MC 52460 (Sub-5–29TA), filed February 23, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *Frozen foods,* from Santa Cruz County, CA, on the one hand to points in IL, IA, LA, MO, OK, and TX, on the other. Supporting shipper: Richard A. Shaw, Inc., P.O. Box 1339, Watsonville, CA 95076.

MC 82841 (Sub-5–6TA), filed February 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen, 10770 I Street, Omaha, NE 68217. *Such commodities as are dealt in or used by agricultural equipment, industrial equipment and lawn and leisure dealers (except commodities in bulk)* between Denver County, CO, on the one hand, and, on the other, points in ID, UT, points in OK on and west of Hwy 183, points in TX on and north of Hwy 60 at the NM line to Hwy 86 to Hwy 287 to Hwy 183 to the OK border and points in MT on and south of I–90 and I–94. Supporting shipper: John Deere Company, 3210 East 85th Street, Kansas City, MO 64132.

MC 95084 (Sub-5–9TA), filed February 23, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Lumber,* Between points in the U.S. under continuing contract(s) with Midwest Lumber Associates. Supporting shipper: Midwest Lumber Associates, 6875 Washington Avenue South, Minneapolis, MN 55435.

MC 100666 (Sub-5–15TA), filed February 23, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Oilfield commodities, in hot shot service,* from Bossier and Caddo Parishes, LA to points in CO, MS, MI, NM, PA, UT, VA, WV and WY. Supporting shippers: 13.

MC 106398 (Sub-5–59TA), filed February 23, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). *Heating and Cooling Equipment, Metal Products and Containers* Between points in GA, IL, MN, OH, OR, PA, and WI, on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: R. W. Gorman Associated, Inc., 200 South Washington Avenue, Washburn, WI 54891.

MC 114284 (Sub-5–10TA), filed February 23, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson, Vice-President, (same as applicant). *Confectioneries, Confectionery Products, and materials and supplies used in the manufacture and distribution thereof,* from Oklahoma City, OK to points in Brown and Tom Green Counties, TX. Supporting shipper: Bunte Candies, Inc., 129 E. California Street, Oklahoma City, OK 73104.

MC 119399 (Sub-5–46TA), filed February 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard; P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara, (address same as applicant). *Foodstuffs* from Kansas City, MO and its commercial zone to points in IN, MI and OH. Supporting shipper: Commercial Distribution Center, Inc., Independence, MO 64051.

MC 119399 (Sub-5–47TA), filed February 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Foodstuffs; viz: Bread Making Compounds; Prepared Edible Flour; Dessert Preparations; Icing Powders and Monoglycerides.* From Olathe, KS to points in OH (except Cincinnati) and points in MI (except Jackson, Kalamazoo, Lansing, and Saginaw). Supporting shipper: Paniplus Company, Olathe, KS 66061.

MC 119961 (Sub-5–1TA), filed February 23, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA. *Passengers and their baggage, in round trip charter operations,* beginning and ending at points in Hardin, Hamilton, Webster, Calhoun, Carroll, Greene, Audubon, Guthrie, Dallas, Cass, Adair, Madison and Warren Counties, IA, and extending to pts in the U.S., except HI. Supporting shipper; Hawkeye Tours, Inc., 8450 Hickman, Suite 20, Des Moines, IA 50322.

MC 126118 (Sub-5–53TA), filed February 23, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Food and related products,* between pts in OR, on the one

hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Truitt Bros., Inc., Bill C. Wadley, Manager of Distribution, 1105 Front St. N.E., Box 309, Salem, OR 97308.

MC 127047 (Sub-5–4TA), filed February 23, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Lumber and wood products* from CA, ID, MT, OR, WA, WY to points in AR, KS, MO, OK, NE and TX. Supporting shipper: Chandler Supply Company, 3131 Southwest Blvd., Wichita, KS 67217; and Slaughter Brothers, Inc., P.O. Box 38670, Dallas, TX 75238.

MC 129908 (Sub-5–46TA), filed February 23, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Alcohol Beverages, Malt Beverages and Wines* between points in FL, IL, IN, KY, MI, MO, NJ, NY, OH and TN, on the one hand, and, on the other, points in CA and OK and between points in OK on the one hand and on the other, points in CA. Supporting shipper: Pioneer Wholesale Liquor Distributors, 1108 W. Hartford, Ponca City, OK 74601.

MC 135797 (Sub-5–99TA), filed February 23, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant, Esq., (Address same as applicant). *Footwear,* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of International Seaway Trading Corp., Supporting shipper: International Seaway Trading Corp., 1382 West 9th St., Cleveland, OH 44113.

MC 145715 (Sub-5–10TA), filed February 23, 1981. Applicant: BELL TRUCKING, INC., Post Office Box 165, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065 Fayetteville, AR 72701. *Fencing, Fencing Materials, Wire and Wire Products and Steel Wire Carriers*—Between the facilities of Bekaert Steel Wire Corporation, at or near Van Buren, AR, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Bekaert Steel Wire Corporation, I–40 & Lee Creek Road, Van Buren, AR 72956.

MC 147003 (Sub-5–5TA), filed February 23, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from pts in Osborne County, KS to Lodi, Fresno, and Los Angeles, CA. Supporting shipper: Pork Packers International, Inc. P.O. Box 158, Downs, KS 67437.

MC 149152 (Sub-5–1TA), filed February 23, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N. W. 1st Street, Oklahoma City, OK 73126. Representative: William P. Parker, Suite 615–East, The Oil Center, 2601 N. W. Expressway, Oklahoma City, OK 73112. *General Commodities (except those of unusual value, Classes A & B Explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment)* between Oklahoma City, OK and Lubbock, TX. Applicant intends to tack. Supporting shipper[s]: 24.

MC 150093 (Sub-5–3TA), filed February 23, 1981. Applicant: The TOM DAVIS CORP., d.b.a. Davis Truck Lines 5335 NW 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *lumber,* between Des Moines, IA, on the one hand, and, on the other, pts in AL, AR, CA, CO, ID, LA, MS, MT, OR, SD, TX, UT, WA, and WY, under continuing contract or contracts with Crawford Sales Co., Inc., Des Moines, IA. Contract irregular. Supporting shipper: Crawford Sales Co., P.O. Box 159, 407 38th Street Place, Des Moines, IA 50312.

MC 150783 (Sub-5–32TA), filed February 23, 1981. Applicant: Scheduled Truckways, Inc., Post Office Box 757, Roger, AR 73756. Representative: Ronnie Sleeth, (same as above). (1). *Malted beverages and related advertising materials.* (2). *Empty used beverage containers and materials and supplies used in and dealt with by breweries,* (1) From Jefferson County, CO to TN, LA, MS. (2) From TN, LA, MS, to Jefferson County, CO. Supporting shipper: Adolph Coors, Co., Golden, CO, 80401.

MC 151162 (Sub-5–1TA), filed February 23, 1981. Applicant: LOWELL E. CAWOOD, d.b.a. L. E. Cawood Produce, Post Office Box 83, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Mexican Food Products, Corn and Flour Tortillas, Taco Shells and Corn Chips*—Between the facilities of Mexican Original Products Company, Inc., at or near Fayetteville, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI) Supporting shipper: Mexican Original Products Co, Inc., Post Office Box 1368, Fayetteville, AR 72701.

MC 151723 (Sub-5–3TA), filed February 23, 1981. Applicant: SIMMCO CARRIERS, 8704 S. Olie, Oklahoma City, OK 73139. Representative: G. A. Simms, 8704 S. Olie, Oklahoma City, OK 73139. *Machinery and Supplies and Fabricated Metal Products,* restricted to shipments weight 15,000 or less between Oklahoma, Canadian, Cleveland, McClain Counties on one hand and points in U.S. on the other. Supporting shippers: Ferrell-Ross Corporation, 65 S. Interpace, Oklahoma City, OK 73126; CMI Corporation, P.O. Box 1985, Oklahoma City, OK 73101.

MC 151751 (Sub-5–2TA), filed February 23, 1981. Applicant: DOYAL W. BRUNSON, d.b.a Brunson, P.O. Box 489, Dodge City, KS. 67801. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Tires, Tubes, Batteries and Automobile Parts and Accessories,* Part 1) Between Oklahoma, Muskogee and Tulsa Counties, OK on the one hand and Jackson County, MO; Wyandotte County, KS and Douglas County, NE on the other hand. Part 2) Between Douglas County, NE and KS; OK and MO. Part 3) Between Denver County, CO; Jackson County, MO; Douglas County, NE and Tazewell County, IL on the one hand and Ford County, KS., on the other hand. Part 4) Between Ford County, KS and CO; IN; MO; IL and NE. Supporting shippers: O.K. Tires, Inc., 1808 Wyatt Earp Bldg., Dodge City, KS; International Tire & Rubber, Inc., 923 Farnman St., Omaha, NE 68102.

MC 152589 (Sub-5–2TA), filed February 23, 1981. Applicant: WHITELIGHTNIN EXPRESS, INC., Post Office Box 167, Ft. Smith, AR 72902. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. Contract Irregular; *Architecturally Insulated Glass Units and Architecturally Coated Glass*—Between points in the U.S. (except AK and HI) under continuing contract or contracts with Advance Coating Technology, Inc., Supporting shipper: Advance Coating Technology, Inc., 306 Beasley Drive, Franklin, TN 37064.

MC 154053 (Sub-5–1TA), filed February 23, 1981. Applicant: EAST TEX PLASTIC EXPRESS, 3850 Williams, Orange, TX. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Chemicals in cargo containerss;* from Orange, TX to Galveston, TX Houston, TX and Lake Charles, LA. Restricted to traffic having a subsequent movement by water. Supporting

shipper(s) A. Schulman, 3550 W. Market St., Akron, OH 44313; Gulf Oil Company, P.O. Box 3706, Houston, TX 77001; East Tex Plastic, Inc., 3850 Williams, Orange, TX 77630; Dupont Corporation, One Kingwood Place, Kingwood, TX 77339.

MC 154111 (Sub-5–TA), filed February 23, 1981. Applicant: LONNIE HANSEN TRANSPORTATION, 1912 Seedling Mile, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Contract, irregular. *Exercise equipment, parts and components thereof, and materials, supplies and equipment used in the manufacture and distribution of exercise equipment*, between Clark County, NV, Hall and Lancaster Counties, NE and Berrien County, MI. Supporting shipper: Vital Corporation, 4355 West Tropicana Avenue, Las Vegas, NV 89103.

MC 154293 (Sub-5–1TA), filed February 23, 1981. Applicant: MELVIN DUFF d.b.a. DUFF TRUCKING, R.R. #1, Murray, IA 50174. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. (1) *Hides*, from Des Moines, IA to pts in IL, KS, MO and TX, and (2) *Salt*, from pts in KS to Des Moines, IA. Supporting shipper(s): Plains Processing Company, 302 S.E. 18th, Des Moines, IA 50317.

MC 154300 (Sub-5–1TA), filed February 23, 1981. Applicant: GRAINLAND EXPRESS TRUCKING, Route #3 Box 191, Butler, MO 64730. Representative: Letha S. Newkirk (same as applicant). *Agricultural fertilizers and agricultural chemicals*, bagged bulk, canned, or bottled in liquid or dry form. Feed, feed ingredients, and seeds in bags, bulk, block and pellets, to and from all points in the states of MO, KS, IA and NE. Supporting shipper: MFA Exchange, West Mill Butler, MO 64730.

MC 989 (Sub-5–4TA), filed February 24, 1981. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 E. 50th Avenue, Commerce City, CO 80022. *Non exempt Food and Kindred Products, Pulp, Paper, or Allied Products, and Machinery and Supplies.* Between points in the states of CO, IL, IA, KS, MN, MO, MT, NE, OK, TX, WI and WY. Supporting shipper: The Great Western Sugar Company, P.O. Box 5308, Denver, CO. 80217.

MC 52460 (Sub-5–30TA), filed February 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Meat, meat products, and meat by-products, and articles distributed by meat packing houses as described in Sections A and C Appendix I to the report of descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766.* From Ford County, KS, on the one hand, to points in the States of CA, CO, IL, IA, MN and NE, on the other. Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KS 67801.

MC 106775 (Sub-5–2TA), filed February 24, 1981. Applicant: ATLAS TRUCK LINE, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher (same address as applicant). *Rust preventive pipeline coating*, between Morris County, TX, OK, KS, CO, LA, MS and AL. Supporting shipper: Reilly Tar & Chemical Company, P.O. Box 247, Lone Star, TX 75668.

MC 111231 (Sub-5–22TA), filed February 25, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). (1) *Lumber or wood products and* (2) *materials, equipment and supplies used in the manufacture, sales and distribution of commodities named in (1) above* between Searcy County, AR on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: White Wood Treating Company, Route No. 1, St. Joe, AR.

Note.—Applicants intends to tack this authority with its regular route authority.

MC 111401 (Sub-5–32TA), filed February 24, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same address as applicant). *Lubricating oil*, in bulk, in tank vehicles, from Kansas City, KS to points in WV. Supporting shipper: Phillips Petroleum Company, 734 Adams Bldg., Bartlesville, OK 74004.

MC 116063 (Sub-5–3TA), filed February 25, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). *Vegetable oils, in bulk*, between Opelousas, LA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 118959 (Sub-5–15TA), filed February 24, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Salt and salt products*, between Avery Island, LA, on the one hand, and, on the other, points in MO. Supporting shipper: International Salt Company, Clarks Summit, PA 18411.

MC 119765 (Sub-5–2TA), filed February 25, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114. *Confectionery*, From Kansas City, MO to Omaha, NE. Supporting shipper: M & M/Mars, Inc., High Street, Hackettstown, NJ 07840.

MC 119789 (Sub-5–44TA), filed February 24, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 from Tolleson, AZ* to points in the U.S. (except AK and HI). Supporting shipper: Southwest Beef, Inc., P.O. Box 647, Tolleson, AZ 85353.

MC 120257 (Sub-5–3TA), filed February 24, 1981. Applicant: K. L. BREEDEN & Sons, Inc., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Pipe, Iron and Steel, and commodities as described in Mercer Extension-Oilfield Commodities 74 M.C.C. 459*, Between Harris County, TX on the one hand, and, on the other, points in King and Pierce Counties, WA. Applicant intends to interline. Supporting shipper: Arco Oil & Gas Company, Inc., P.O. Box 2819, Dallas TX 75221.

MC 124174 (Sub-5–39TA), filed February 25, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 L Street, Omaha, NE 68137. Contract, irregular, *minerals and chemicals, including equipment, materials and supplies used in the development, manufacture, and distribution thereof*, between all points in the USA. Supporting shipper(s): International Minerals & Chemical Corporation, 421 E. Hawley Street, Mundelein, IL 60060.

MC 126822 (Sub-5–50TA), filed February 25, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Machinery and supplies (STCC No. 35)*, between points in the U.S. restricted to shipments from, to, or between the facilities of Stoody

Company and Stoody International Company. Supporting shipper: Stoody Company, 16425 Gale Avenue, City of Industry, CA 91749.

MC 128273 (Sub-5–35TA), filed February 24, 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, Part I,* between the facilities of Cargill, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). *Part II,* between the facilities of Morton Salt at or near Salt Lake County, UT, Van Zandt County, TX, and Iberia Parish, LA, on the one hand, and, on the other, points in the States of ID, MT, WY, NV, OR, WA, AZ, NM, TX, LA, OK, KS, CO, MO, AR, MS, AL, GA, FL, SC, NC, and TN. *Part III,* from the facilities of Carey Salt Division of P.M.I. at or near Hutchinson, KS, to points in IA, MN, ND, SD, WI, AR, IL, IN, KY, LA, MO, MS, and TN. Supporting shippers: Cargill Incorporated—Salt Division, P.O. Box 9300, Minneapolis, MN 55440; Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, IL 60606; Carey Salt Div. of P.M.I., 1800 Carey Blvd., Hutchinson, KS 67501.

MC 133562 (Sub-5–4TA), filed February 24, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, IA Highway No. 4, Estherville, IA 51334. Representative: Merle L. Johnson (same as applicant). *Iron or steel articles,* from Chicago, IL and St. Louis, MO, and the respective commercial zones of each, to Armstrong, IA. Supporting shipper: Armstrong Rim & Wheel Mfg. Co., P.O. Box 48, Armstrong, IA 50514.

MC 133562 (Sub-5–5TA), filed February 24, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, Highway No. 4, Estherville, IA 51334. Representative: Merle Johnson (same as applicant). *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 and HI) restricted to traffic originating at or destined to the facilities of or used by Ardand, Inc. *Paper cups, boxes, trays, containers, paper articles, including stock fibres and supplies used in the manufacture and distribution of the above named commodities,* between Downington, PA, on the one hand, and, on the other, points in the U.S. in and east of ND and SD, NE, KS, OK and TX. Supporting shippers: Ardan, Inc., Des Moines, IA; Dopaco Packaging Co., Inc., Downington, PA.

MC 134134 (Sub-5–12TA), filed February 25, 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. *Meats, and packinghouse products,* from Shelbyville, IN to Fort Dodge, IA. Supporting shipper: Bausback Corporation, P.O. Box 808, Shelbyville, IN 46176.

MC 135605 (Sub-5–2TA), filed February 24, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same as applicant). *General Commodities, except in bulk, and except Class A and B Explosives,* between the facilities utilized by Velsicol Chemical Corp on the one hand, and points in the US on the other hand. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio, Chicago, IL 60611.

MC 135605 (Sub-5–3TA), filed February 24, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same as applicant). *Sporting goods and recreation equipment and materials used in manufacturing of same* between Bossier City, LA and points in the US (except AK and HI). Supporting shipper: Gabriel-Gym Dandy, 415 Hamilton Road, Bossier City, LA 71111.

MC 135797 (Sub-5–100TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Foodstuffs,* from Marion and Hood River Counties, OR to points in the United States (except AK and HI). Supporting shipper: Truitt Brothers, P.O. Box 309, Salem, OR 97308.

MC 135797 (Sub-5–101TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *General commodities* (with the usual exceptions), between the facilities of Victor Business Products on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Victor Business Products, 9555 Plaza Circle, El Pason, TX 79907.

MC 135797 (Sub-5–102TA), filed February 25, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130 Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *General commodities* (with the usual exceptions), between Dent County, MO and Lunenburg County, VA on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Cupples Company MFG., Suite 1660, 1034 So. Brentwood Blvd., St. Louis, MO 63117.

MC 154054 (Sub-5–1TA), filed February 24, 1981. Applicant: WOOD BROS. TRANSFER, INC., 2410 Commerce Street, Houston, TX 77014. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Containerized general commodities and piggyback trailers containing general commodities and empty containers and trailers* between points in TX. Supporting shipper: Biehl and Co., Inc.; Houston, TX.

MC 154290 (Sub-5–1TA), filed February 24, 1981. Applicant: LANCE TRUCKING COMPANY, Route 6, Box 1242, Odessa, TX 79763. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Oil field Equipment, including pipe and plastic pipe, iron and steel articles, and machinery* between points in TX and NM. Supporting shippers: 8.

MC 154346 (Sub-5–1TA), filed February 25, 1981. Applicant: ERNEST RYLIE, JR., d.b.a. RYLIE TRUCKING COMPANY, 3105 N. Highway 75, Corsicana, TX 75110. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237. (1) *Flat glass,* and (2) *Materials, equipment and supplies used in the manufacture of flat glass,* between the facilities of Guardian Industries Corp. at or near Corsicana, TX, on the one hand, and, on the other, points in AR, KS, LA, TN, OK, AL, NM, and MS. Supporting shipper: Guardian Industries Corp., P.O. Box 10001, Corsicana, TX 75110.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 147987 (Sub-6–2TA), filed February 23, 1981. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy Way, New Westminster, B.C. Canada V3L 5G5. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Wire, Wire Cable, Reels, Communication and Transmission Tower Material, Equipment and Supplies,* between Ports of Entry on the U.S./Canada Boundary Line in WA and Commercial Zones of Seattle and Tacoma, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Phillips Cables Limited, 8330 Chester St., Vancouver, B.C. Canada V5X 3Y7.

MC 147987 (Sub-6–3TA), filed February 23, 1981. Applicant: A & W TRUCKING 1975 LTD., 330 Edworthy, New Westminister, B.C. Canada V3L 5G5. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *Calcium Nitrate (Fertilizer); Rough and Finished Lumber; Wire Rope and Cable; Blasting Sand; Building Material including shakes and shingles,* between points in OR and WA on the one hand, and, on the other, Ports of Entry on the International Boundary Line between the U.S. and Canada in WA for 270 days. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the Regional office listed.

MC 154330 (Sub-6–1TA), filed February 20, 1981. Applicant: RONALD R. AKES, d.b.a. AKES TRANSPORTATION CO., 1921 Clover Ct., Grand Junction, CO 81501. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. *Common Carrier,* Regular route, *General Commodities* (except commodities in bulk, Classes A & B explosives, household goods as defined by the Commission and articles of unusual value) between Grand Junction, CO and Farmington, NM over U.S. Highway Nos. 50 and 550 serving all intermediate points and off-route points in San Miguel, Dolores and Montezuma Counties, CO for 270 days. Supporting shippers: There are 29 shippers. Their statements may be examined at the Regional office listed.

MC 148328 (Sub-6–3TA), filed February 23, 1981. Applicant: LEONARD ALLEN and GARY ARIOTTI, a partnership d.b.a. ALLEN TRUCKING, 112 Manzanita Dr., West Covina, CA 91791. Representative: Leonard Allen (same address as applicant). *Contract Carrier,* Irregular routes: *Commodities used, sold or distributed by a manufacturer of Drug or Toilet Preparations,* including supplies and ingrediants used in the manufacture of such commodities (except commodities in bulk), from Bell, CA to points in AZ, for 270 days, for the account of Caltop Cooperative, Inc. Supporting shipper: Caltop Cooperative, Inc., 5638 Lindbergh Lane, Bell, CA 90201.

MC 154305 (Sub-6–1TA), filed February 23, 1981. Applicant: CENTRAL VALLEY MOVING & STORAGE, P.O. Box 2340, Turlock, CA 95380. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting: *Household Goods and Unaccompanied Baggage (Kingpak Authority)* between points in and North of Riverside, Orange and Los Angeles Counties, CA for 270 days. Supporting shipper: Air Van Lines, Inc., 5900 4th Ave. South, Seattle, WA 98108.

MC 42487 (Sub-6–58TA), filed February 20, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities, (except Classes A and B explosives),* from Trentwood, WA and points in its Commercial Zone to Toledo, OH and Wanatah, IN and points in their Commercial Zones, for the account of Kaiser Aluminum and Chemical Corp., for 270 days. (Transportation authorized will not include movement of hazardous wastes.) Supporting shipper: Kaiser Aluminum & Chemical Corp., 300 Lakeside Dr., Oakland, CA 94643.

MC 67156 (Sub-6–4TA), filed February 24, 1981. Applicant: CONTAINER TRANSPORT COMPANY, P.O. Box 1409, Antioch, CA 94509. Representative: P. W. Pollock (same as applicant). *Contract Carrier,* irregular routes, *Corrugated Fibreboard Boxes,* from points in Los Angeles and Orange Counties, CA to points in Maricopa County, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gaylord Container Division, Crown Zellerbach Corporation, 440 N. Baldwin Park Blvd,. City of Industry, CA 91749.

MC 136605 (Sub-6–31TA), filed February 23, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Lumber, Plywood, Cedar Shakes and Shingles,* from points in CA, OR, WA to points in OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Broadview Lumber Company, P.O. Box 816, Carthage, MO 64836.

MC 136605 (Sub-6–32TA), filed February 23, 1981. Applicant: DAVIS TRANSPORT,INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *General Commodities,* between points in the U.S. and the Port of Butte at or near Butte, MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Port of Butte, North Parkmont, Butte Industrial Park, Butte, MT 59701.

MC 154299 (Sub-6–1TA), filed February 20, 1981. Applicant: ELLARS, INC., 10026 Karmont Ave., South Gate, CA 90280. Representative: Susan Lee Carder (same as applicant). *Contract Carrier,* Irregular routes: *Exhibit Displays, Trade Show & Convention Materials; Paint & Paint Products; Chilled & Frozen Meats; Diatomaceous Earth; Refrigeration Display Units; Empty New Fibre & Steel Drums; Empty New Tight Wood Barrels,* between points in CA on the one hand and points in AZ, NV, OR, UT and WA on the other hand for 270 days. Supporting shipper: There are 7 shippers. Their statements may be examined at the Regional office listed.

MC 154302 (Sub-6–1TA), filed February 23, 1981. Applicant: LUIS T. TUPARAN, d.b.a. EL TEE TOURS, 1716 Felton St., San Francisco, CA 94134. Representative: Luis T. Tuparan, 1050 W. 2nd St., Reno, NV 89503. *Passengers and their baggage,*[1] for 180 days. Supporting shippers: There are 13 supporting shippers. Their statements may be examined at the Regional office listed.

MC 136086 (Sub-6–3TA), filed February 20, 1981. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Metal products,* between point in AZ, CA, CO, NV, NM, OR, TX, UT and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional office listed.

MC 139906 (Sub-6–59TA), filed February 20, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Clay and processed clay* (except in bulk) from the facilities of Freeport Kaolin Co. at or near Gordon, GA, to points in the U.S. for 270 days. Supporting shipper: Freeport Daolin Co., 200 Park Ave., New York, NY 10016.

MC 139906 (Sub-6–60TA), filed February 23, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson P.O. Box 81849, Lincoln, NE 68501. *(1) chemicals, printer's ink and petroleum, cleaning, photographic and paint products* (except in bulk), between points in the U.S. restricted to traffic originating at or destined to the facilities of Philip A. Hunt Chemical Corp. for 270 days. Supporting shipper: Philip A. Hunt

[1] In special charter operations limited to vehicles with a capacity of 15 passengers or less, between Santa Clara, San Francisco, San Mateo and Alameda Counties, CA, on the one hand, and, on the other, Washoe and Douglas Counties, and Carson City, NV.

Chemical Corp., 200 Roosevelt Pl., Palisades Park, NJ 07650.

MC 117201 (Sub-6–6TA), filed February 20, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tocoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *fruit juice or concentrate, not frozen, and equipment, materials and supplies used in the manufacture and distribution of such commodities,* between Richmond, CA, and points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 270 days. Supporting shipper: Juice Pals, Inc., 120 Park Lane, Brisbane, CA 94005.

MC 113059 (Sub-6–3TA), filed February 23, 1981. Applicant: KELLER TRANSPORT, INC., Rt. 9, Katy Ln., Billings, MT 59101. Representative: F. E. Keller (same as applicant). *Petroleum crude oil* in tank trucks from Big Horn and Washakie Counties, WY to the Cenex Refinery at or near Laurel, MT. for 270 days. Supporting shippers: Farmers Union Central Exchange, Inc., P.O. 909, Laurel, MT 59044.

MC 143897 (Sub-6–1TA), filed February 23, 1981. Applicant: LOOMIS ARMORED CAR SERVICE, LTD., 1290 Hornby St., Vancouver, BC, CN V6Z 1W2. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. *Blank paper for the printing of securities,* between points on the international boundary line between the U.S. and CN in NY on the one hand, and, on the other, points in St. Lawrence, Clinton, Franklin and Jefferson Counties, NY, for 270 days. Supporting shipper: Crane & Company Incorporated, 30 South Main St., Dalton, MA 01226.

MC 152310 (Sub-6–2TA), filed February 23, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Ave., Aurora, CO 80011. Representative: Mark A. Davidson, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *General Commodities (except Classes A and B explosives),* from NY, NJ, PA, MD, IL, IN, OH and WI to CO for 270 days. Supporting Shippers: There are six supporting shippers.

MC 149036 (Sub-6–2TA), filed February 20, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby & Associates, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *(1) Beer and (2) equipment, materials, and supplies used in the sale, transportation, and distribution of beer,* between Fort Worth, TX and Grand Junction, CO (and points in their commercial zones), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hi-Country Sales, 1435 Fourth Ave. South, Grand Junction, CO 81501.

MC 154236 (Sub-6–1TA), filed February 19, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC., d.b.a. MAMMOTH FREIGHT LINES, 6725 No. Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced St, Suite 3, Fresno, CA 93721. *Frozen foods,* (not in bulk), between points in the CA counties of San Joaquin, Stanislaus, Merced, Madera, and Fresno, on the one hand, and, on the other, points in AZ, WA, OR, NV, ID, MT, WY, CO, NM, and UT, for 270 days. Supporting shippers: Seabrook Foods, Inc., 4974 East Clinton Way, Building B, Fresno, CA 93727; Patterson Frozen Foods, Box 114, Patterson, CA 95363.

MC 154304 (Sub-6–1TA), filed February 23, 1981. Applicant: MELGAARD FREIGHT SYSTEMS LTD., 4316B 64th Ave., S.E., Calgary, Alberta, Canada T2C 2B3. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Lumber and wood products,* between points on the U.S.-Canada international boundary line in WA, ID and MT, on the one hand, and points in WA, OR, CA, AZ, NV, UT, ID, MT, on the other hand, for 270 days. Supporting shippers: There are seven supporting shippers. Their statements may be seen at the Regional Office.

MC 128473 (Sub-6–1TA) filed February 23, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Foodstuffs,* from the facilities of Idaho Frozen Foods Corporation at or near Nampa, and Twin Falls, ID and Clearfield, UT to points in MT and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Idaho Frozen Foods Corporation, P.O.B. 128, Twin Falls, ID 83301.

MC 138762 (Sub-6–4TA) filed February 23, 1981. Applicant: MUNICIPAL TANK LINES LTD., P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9. Representative: D.S. Vincent (same as applicant). Over irregular routes, transporting Liquid Asphalt in bulk, in tank vehicles from ports of entry of the US/Canada International boundary line located at N.Y. and MI. to Columbus Ohio, for 270 days. An underlying ETA seeks (20 days authority. Supporting shipper: Jetcoat Company, P.O. Box 1346, Columbus, OH 43216.

MC 154311 (Sub-6–1TA), filed February 20, 1981. Applicant: PC TRANSPORT, INC., 2081 East Bryan, Evansville Road, Casper, WY 82601. Representative Phil M. Christopherson (same as applicant). *Contract Carrier,* Irregular routes: *Petroleum Products and Emulsified Asphalts,* in bulk, in tank vehicles, from Casper WY to points in NE, SD, and CO, for the account of Emulsified Asphalt, Valley Fuel, Haiston Oil, for 270 days. Supporting shipper: Emulsified Asphalt, P.O. Box 721, Evansville WY. 82636; Haiston Oil Company, Scottsbluff, NE; Valley Fuel, P.O. Box 25, Savery, WY 82332.

MC 730 (Sub-6–15TA), filed February 20, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same as applicant). *Tallow,* in bulk, in tank vehicles, from West Jordan, UT to Sparks, NV and points in CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Intermountain Protein Producers, Inc. 5260 W. Old Bingham Hwy, West Jordan, UT 84084.

MC 138875 (Sub-6–45TA), filed February 20, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *(1) Canned goods; (except in bulk) (2) materials and supplies used in the selling, distribution and manufacture of canned goods,* from the facilities utilized by Joan of Arc Company at Princeville and Hoopeston, IL and Belledeau and St. Francisville, LA to points in Phoenix, AZ; Alameda, Los Angeles and San Francisco Counties, CA; Denver, CO; Boise, ID; Las Vegas, Reno and Sparks, NV; Portland, OR; Salt Lake City, North Salt Lake, Ogden and Layton, UT, and Seattle, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Joan of Arc Company, 231 W. Altorfer, Peoria, IL 61615.

MC 154328 (Sub-6–1TA), filed February 20, 1981. Applicant: SMOKEY POINT DISTRIBUTING, INC., P.O. Box 189, Arlington, WA 98223. Representative: Matt Berry (same address as applicant). *Contract Carrier,* Irregular routes: *Steel Channels, and Particle Board Shelving,* from Seattle WA to points in AL, WI, IL, CA, OR, UT, LA, and CO, for the account of Easy Up Shelving, Inc., for 270 days. Supporting shipper: Easy up Shelving, Inc., 1700 1st Ave South, Seattle, WA.

MC 154133 (Sub-6–1TA), filed February 23, 1981. Applicant: PAUL A. STOVER d.b.a. C.A.N. TRANSPORT, 2500 East 28th Street, Vernon, CA 90058.

Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier*, irregular routes; *General commodities*, (except commodities in bulk, household goods and Classes A and B explosives) between points in Los Angeles, Riverside, San Diego and Stanislaus Counties, CA, on the one hand, and Maricopa County, AZ, on the other, for the account of The Price Co. for 270 days. Supporting shipper: The Price Co, 2657 Ariane Dr., San Diego, CA 92117.

MC 148737 (Sub-6-13TA), filed February 23, 1981. Applicant: SUNSET EXPRESS CORP., P.O. Box 27043, Salt Lake City UT 84125. Representative: Michael A. Clark (same as applicant). *General commodities* (except household goods as defined by the Commission and Class A and B explosives) between points in the U.S. under continuing contract(s) with Tour Ice National, Inc., of Colorado Springs, CO., for 270 days. Supporting shipper: Tour Ice National, Inc., 1330 Ford St., Colorado Springs, CO 80915.

MC 154272 (Sub-6-1TA), filed February 20, 1981. Applicant: WHITLOCK TRUCKING, d.b.a. WHITLOCK, INC., P.O. Box 4217, Casper, WY 82604. Representative: Jack R. Whitlock (same as applicant). (1) *Machinery, equipment and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *Machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. Between points in WY on the one hand, and points in UT, CO, ID, MT, ND, SD, NE, NM, NV, AZ, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 5 shippers, their statements may be examined at the Regional offices listed.

MC 89684 (Sub-6-13TA), filed February 23, 1981. Applicant: WYCOFF COMPANY, INC. P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (Same address as applicant). *Pumps and compressors*, between points in Los Angeles, San Bernardino, and Riverside Counties, CA on the one hand, and, on the other points in NV, UT, ID, CO, WY, and OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pameco-Aire, 2545 So. Yates Ave., Los Angeles, CA 90040.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7282 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 7]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 134981 (Sub-2F) (republication), filed January 22, 1980, previously noticed in the **Federal Register** issue of June 12, 1980. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. A Decision by the Commission, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in charger operations, beginning and ending at New Rochelle, NY, and Bridgeport, Hartford, Meriden, Middletown, New Haven and Stamford, CT, and extending to points in the United States (except points in Hawaii). Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to show common carrier authority in lieu of contract carrier authority.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 758), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed February 24, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Hwy 480 and Interstate Hwy 71 near Brook Park, OH over Interstate Hwy 480 to junction Ohio 10, then over Ohio Hwy 10 to junction Interstate Hwy 80 at Gate No. 9, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Ohio Turnpike and Ohio Hwy 18 over Ohio Turnpike to junction Gate No. 9, and return over the same route.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7334 Filed 3-6-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Withdrawal of Application

On July 26, 1979, notice was published in the **Federal Register** that Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, made application to register with the Drug Enforcement Administration as an importer of three basic classes of controlled substances. This was the initial submission regarding a continuing application procedure which has resulted in minor changes regarding the applicant's proposed scope of operations. This notice serves to reflect these changes. On December 19, 1979, Burroughs Wellcome Company notified the DEA that the firm wished to withdraw its application as an importer of Poppy Straw (drug code 9650). The previous application to register as an importer of Raw Opium (drug code 9600) and Concentrate of Poppy Straw (drug code 9670) is not to be affected.

The application of Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, to register with the Drug Enforcement Administration as an importer of Poppy Straw (drug code 9650) is hereby withdrawn.

Dated: March 3, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-7289 Filed 3-6-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92–463, 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:

Date: March 26–27, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for Research Materials Program: Lexicography, Linguistics, and Foreign Literature Panel, Division of Research Programs, for projects beginning after June 15, 1981.

(2) Date: March 30–31, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for Research Materials program: Methodology for Reference Works Panel, 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 meeting 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 J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-7347 Filed 3-6-81; 8:45 am]

BILLING CODE 7536-01-M

Inter-Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel to the National Council on the Arts will be held on March 23–25, 1981, from 9:00 a.m.–5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 25, 1981 from 9:00 a.m.–5:30 p.m. to discuss policy.

The remaining sessions of this meeting on March 23–24, 1981, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7312 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

Theatre Panel (Large Companies With Short Seasons Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theatre Panel (Large Companies with Short Seasons Section) to the National Council on the Arts will be held on March 26–27, 1981, from 9:00 a.m.–5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7311 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Art in Public Places Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Art in Public Places Section) to the National Council on the Arts will be held on March 23–25, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of Section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: February 2, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-7310 Filed 3-6-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket 50-389]

Florida Power & Light Co.; Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License Opportunity of Hearing

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application for a facility operating license from Florida Power & Light Company (applicant), to possess, use and operate the St. Lucie Plant, Unit 2, a pressurized water nuclear reactor (the facility), located on the applicant's site on Hutchinson Island in St. Lucie County, Florida. The reactor is designed to operate at a core power level of 2700 megawatts thermal, with a corresponding electric output of approximately 802 megawatts.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the Bureau of Intergovernmental Relations, Division of State Planning, Department of Administration, 660 Apalachee Parkway, Tallahassee, Florida 32304 and at the Treasure Coast Regional Planning Council, P.O. Box 2395, Stuart, Florida 33494.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the Federal Register, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the Federal Register.

The Commission will consider the issuance of a facility operating license to Florida Power and Light Company which would authorize them to posses, use and operate the St. Lucie Plant Unit 2 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit CPPR–144, issued by the Commission on May 2, 1977. Construction of the St. Lucie Plant, Unit 2 is anticipated by the NRC to be completed by December 1983.

Prior to the issuance of an operating license, the NRC staff will study the Floodplain Aspects of the St. Lucie Plant, Unit 2 and issue an assessment pursuant to Executive Order 11988 Floodplain Management.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 30, 1981, the applicant may file a request for a hearing with respect to issuance of the facility operation license. By April 7, 1981, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the

result of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition for leave to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will be not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by April 7, 1981. A copy of the petition should also be sent to the Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold Reis, Esquire, Lowenstein, Newman, Reis, Axelrad & Toll, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For futher details pertinent to the matters under consideration, see the application for a facility operating license, dated March 24, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the Indian River Community College Library, Ft. Pierce, Florida 33450. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available may be obtained by request to the Director, Division of Licensing, Office of Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 27th day of February, 1981.

For the Nuclear Regulatory Commission,

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-7134 Filed 3-6-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 4, 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 U.S.C. 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

• Agricultural Stabilization and Conservation Service
Supplemental Qualifications Statement, Agricultural Program Specialist GS–1145–5/7
ASCA–650
On occasion
Individuals or households
Can. For Pos. as Ag. Program Specialist, GS–1145–5/7
Farm Income Stabilization, 1,000 responses, 2,000 hours, $12,800 Federal cost, 1 form
Charles A. Ellett,

This form is to be used to obtain supplemental qualifications from candidates for positions as Agricultural Program Specialists at the GS–5 and GS–7 levels. The right to collect this information is based on the authority to examine delegated to Office of Personnel Management by Title 5 U.S.C. 1104.

Revisions

• Economics and Statistics Service
June Acreage Survey
Annually
Farms, grain and field crop producers
SIC: 011 013
Small businesses or organizations
Agricultural research and services, 165,400 responses, 27,955 hours; $1,073,000 Federal cost, 4 forms
OFF. OF FEDERAL STATISTICAL POLICY & STANDARD, 202–673–7974

Provides data in combination with June enumerative survey (40–R2766) to estimate State planted and expected-to-be-harvested acreage of major field corps. Estimates are used throughout growing season to expand yield indications in forecasting total production. Forecasts are used by the entire agricultural industry in marketing decisions.

• Rural Electrification Administration
"Biweekly Report of Progress of Construction and Engineering Services"
REA–178
Monthly
Businesses or other institutions
REA electric borrowers
SIC: 491 497
Small businesses or organizations
Energy supply, 1,080 responses, 540 hours; $5,300 Federal cost, 1 form
Charles A. Ellett, 202–395–7340

The owner requires periodic reports of construction as a management tool. This report is submitted to REA monthly as a standardized means of keeping REA personnel informed on progress of construction financed with REA loans.

• Forest Service
Timber Export Restriction Certification and Records
FS 2400–43, 44, 45, 46, and FS 2300–43, FS 2300–44, FS 2300–45
Nonrecurring
Businesses or other institutions
Bidders and purchases of national forest timber sales
SIC: 241 242 243 249
Small businesses or organizations
Conservation and land management, 25,000 responses, 6,250 hours; $6,900 Federal cost, 4 forms
Charles A. Ellett, 202–395–7340.

To implement 36 CFR 223 amended 12/5/80 and effective on 2/3/81 regarding the export of timber from national forest system lands and the use of such timber in substitution for private timber which is exported by the purchaser. This will involve revising and clarifying direction specified by 36 CFR part 223.

DEPARTMENT OF COMMERCE

(Agency Clearance Officer—Edward Michals—202–377–3627)

New

• Bureau of the Census
1982 Census of Transportation Truck Inventory and Use Survey (pretest and forms)
T200A small, T200B large
Nonrecurring
Individuals or households/businesses or other institutions own. of reg. late model prvt. and comm. truck (1975–1978)
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 300 responses, 100 hours, $4,000 Federal cost, 2 forms
Off. of Federal Statistical Policy and Standard; 202–673–7974

The truck inventory and use survey provides data on the physical and operational characteristics of the Nation's truck population. These data are used by Government agencies, major manufacturers of trucks and their component parts, and consulting firms to establish policy for the trucking industry, and to predict marketing trends.

Extensions (Burden Change)

• National Oceanic and Atmospheric Administration
Interview log (ABT Sport Fishing Survey)
NOAA 88–917
Annually
Individuals or households
Sport fishermen
Other advancement and regulation of commerce, 2,000 responses, 160 hours, $63,100 Federal cost, 1 form
William T. Admas, 202–395–4814

Collection of biological, environmental, and fishing effort on Atlantic bluefin tuna (ABT) necessary for the preservation and management of the species. The continuation of this study is necessitated by the long life-span of this important recreation/commerical resource of NMFS necessary to report annually to the International Commission for the Conservation of Atlantic Tunas.

Extensions (No Change)

• Bureau of the Census
Annual survey of State tax collection
F–5
Annually
State or local governments
State Governments
Other advancement and regulation of commerce, 50 responses, 100 hours, $52,000 Federal cost 1 form
Off. of Federal Statistical Policy and Standard, 202–673–7974

Data are portion of State and local government financial statistics incorporated in the national income accounts. They are also used by officials and researchers in analyese of State government finances.

DEPARTMENT OF ENERGY

(Agency Clearance Officer—Irene Montie—202–633–9464)

Exensions (No Change)

• Enegy Information Administration
Monthly Survey of Distillate and Residual Fuel Oil
Sales volume to ultimate consumers
FEA–P314–M–0
Monthly
Business or other institutions
Samply of distillate and residual retailers
Small businesses or organizations
Energy information, policy, and regulations, 10,800 response, 43,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

Used for reporting to Congress on the aggragate share of independent and other marketers of refined petroleum products.

• Energy Information Administration
Monthly Survey of Propane Sales Volume to Ultimate Consumers
FEA P315–M–0
Monthly
Business or other institutions
Gas Plant operators, resellers and retailers
Small businesses or organizations
Energy information, policy, and regulation, 7,200 responses, 115,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

To provide Congress with distribution and market share information regarding sales by marketers of refined petroleum products to ultimate consumers.

• Energy Information Administration
Refiner/Importer Monthly Report of Petroleum Product Distribution
FEA–P306–M–0
Monthly
Business or other institutions
Refiners of Petroleum Products
SIC: 291
Small businesses or Organizations
Energy information, policy, and regulation, 1,200 responses; 19,200 hours, 1 form
Jefferson B. Hill, 202–395–7340

Data required for Compliance with provisions of the Emergency Petroleum Allocation Act (P.L. 93–159) which requires monthly reporting to Congress on changes in the aggregate shares of independent and other marketers of refined petroleum products.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(Agency Clearance Officer—Joseph Strnad—202–245–7488)

New

• Departmental Management
The survey of Income and Program Partcipation
OS–2–81
Other-see SF83
Individuals or households
Households in national probability sample Public assistance and other Income supplements, 0 responses, 0 hours, $10,000,000 Federal cost; 1 form
Gwendolyn Pla, 202–395–6880.

To provide statistics for the executive and legislative Branches not previously available such as multiple-recipiency of benefits of major government programs. To support policy analysis, monthly program participation and eligibility statistics. The data requirements include income, employment and household composition, taxes, assets, in-kind income and related subjects to estimate the effects of executive and legislative decisions.

• Office of Assistant Secretary for Health
Application and Related Forms for the Operation of the National Death Index
On occasion; quarterly
Individuals or households/or local governments/businesses or other ins research
SIC: 822, 943, 281, 282, 285, 286, 287
Health, 364 responses, 258 hours, $25,000 Federal cost, 5 forms
Gwendolyn Pla, 202–395–6880

AThe National Death Index is being designed to provide researchers with a central location for determining which persons in their studies might have died and to direct researchers to the appropriate States where more detailed death record information can be obtained for the persons in question. An application form and four related forms are needed to administer this new service.

• Office of Assistant Secretary for Health
Inventory of Comm. and Employee Health/Fitness Programs, Surv. of Comm. Level Fitness Prog. Dirs., Surv. of Employee Fitness prog. D., of partic. in emp. fit. progs
Nonrecurring
Individuals or households/State or local governments
Dirs. of comm. recre. and parks prog./fac. or priv. org., etc.
SIC: 809
Health, 980 responses, 488 hours, $112,288 Federal cost, 3 forms
Gwendolyn Pla, 202–395–6880

The purpose of this overall study is to inventory the nature, types and usage patterns of health promotion and physical fitness programs sponsored by and available to communities. Assessment will be made of community level programs and facilities (1/5/81 to 2/27/81), employee fitness program directors and then participants (1/5/81 to 2/27/82, 6/181 to 7/31/81)—see supporting statement for details. As the first effort of its kind it is prerequisite to constructing coherrent plans

Reinstatements

• Health Care Financing Administration
Home Health Agency Request for Certification in the Medicare-Medicaid program
HCFA–1572
Annually
State or local governments/businesses or other institutions providers of outpatient physi. therapy services
Small businesses or organizations
Health, 500 responses, 2,665 hours, 1 form
Richard Eisinger, 202–395–6880

Information from this form is used to determine whether a home health agency meets the requirements for participation in the Medicare program. Some date is also used for general program management.

DEPARTMENT OF THE INTERIOR

(Agency Clearance Officer—Vivian A. Keado—202–343–6191)

Extensions (no change)

• United States Fish and Wildlife Service
North American Woodcock Singing-Ground Survey
3–156
Annually
Individuals or households/State or local governments
Emp. of State and Fed. Con. Agcs. and the Canadian Wild. Ser.
Recreational resources, 1,000 responses, 170 hours, $2,900 Federal cost, 1 form
Erika Jones, 202–395–7340

The information obtained from this form is needed to measure the change in the population and size of distribution of the woodcock annually. The data is used in the evaluation and formulation of annual hunt and shooting regulations.

• United States Fish and Wildlife Service
Bird Banding File Reference Card
3–1831
On occasion
Individuals or households/State or local governments
The public and St. con. ags. that rep. bird band recoveries
Recreational resources, 19,000 responses, 950 hours, $5,000 Federal cost, 1 form
Erika Jones, 202–395–7340

This form is needed to trace banded birds for the study of migration factors and other population characteristics. A report is filed voluntarily upon discovery of a banded bird, providing the only method of obtaining complete and accurate records of such birds.

• United States Fish and Wildlife Service
Mourning Dove Call-Count Survey
3-159
Annually
State or local governments
Emp. of St. and Fed. cons. agncs. & the Canadian Wld. Ser.
Recreational resources, 850 responses, 212 hours, $1,100 Federal cost, 1 form
Erika Jones, 202-395-7340

The mourning dove call-count survey provides the best information available on the status of the mourning dove breeding population and is the basis for regulatory decisions on seasons and bag limits. This survey is conducted to obtain an annual index to population size of mourning doves and to measure the changes in relative size of dove populations.

DEPARTMENT OF LABOR

(Agency Clearance Officer—Paul E. Larson—202-523-6331)

New

• Bureau of Labor Statistics
May 1981—Multiple Job Holding, Premium Pay, and Work
Schedule supplement
CPS-1
Annually
Individuals or households
Interviewed households in May 1981 cps
Other labor services, 68,000 responses, 5,100 hours, $175,000 Federal cost, 1 form
Off. of Federal Statistical Policy & Standard, 202-673-7974

This supplement provides data on persons holding more than one job, the work schedules of employed persons, the amount of premium pay for overtime work, and labor union membership. This information, along with other demographic variables such as education, age, race, and sex will be used for a more comprehensive analysis of the labor force.

Revisions

• Employment and Training Administration
ESARS Handbook—Chapter IV, Reports Preparation
ET Handbook No. 309
Monthly
State or local governments
State employment service offices
Sic: 944
Training and employment, 624 responses, 192,920 hours, $4,790,000 Federal cost, 1 form
Arnold Strasser, 202-395-6880

The ESARS tables used primarily by the United States Employment Service were originally designed to provide as much detail as possible in a system of this kind with respect to services provided by the affiliated State agencies to various applicant groups. The data are used at State and Federal levels for planning, budgeting, operations, and evaluation of the public employment service and the win and food stamp programs.

DEPARTMENT OF TRANSPORTATION

(Agency Clearance officer—John Winsor—202-426-1887)

New

• National Highway Traffic Safety Administration
Odometer Disclosure Statement, Part 580
On occasion, weekly
Individuals or households/State or local governments/businesses or other ins
All those who sell or transfer title to motor vehicles
Small businesses or organizations
Ground transportation, 17,650,000 responses, 294,167 hours, 1 form
Corrinne Hayward, 202-395-7340

15 U.S.C. 1988 requires the secretary to prescribe rules requiring any transferor of a motor vehicle to give a written disclosure statement to the transferee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Agency Clearance Officer—Wallace Velander—202-755-3122)

Extensions (No Change)

• Report of Government—Owned/ contractor-held Property
NASA 1018
Annually
Businesses or other institutions
Government contractors
• Small businesses or organizations
Multiple functions, 3,000 responses, 12,000 hours, $600,000 Federal cost, 1 form
Phillip T. Balazs, 202-395-4814

This form is used by NASA contractors to report annually on the balances of Government-owned property and space hardware in their possession. The data reported is used by NASA to update the agency's financial records upon which internal reports for NASA management and external reports for Congress and others are based.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauling Lohens—312-751-4692

Revisions

• Application to act as representative payee
AA-5 and G-478
On occasion
Individuals or households/businesses or other institutions appli., personal phy. or medical officers of instit.
SIC: 801 806
General retirement and disability insurance, 5,000 responses, 667 hours, $115,600 Federal cost, 2 forms
Barbara F. Young, 202-395-6880.

Section 12 of the Railroad Retirement Act provides for the payment of benefits to a representative payee when an employee, spouse, or survivor annuitant is incompetent or is a minor. The application obtains information needed for selection of a representative payee.

SMALL BUSINESS ADMINISTRATION84AGENCY CLEARANCE OFFICER—MRS. KATIE CUDMORE—202-653-5998

New

•License Application, amendments to license application, personal history and qualificaitons of management
SBA 414, 415A, 415B, 415C
On occasion
Businesses or other institutions
Small business lincensed or seeking licenses from SBA
Small businesses or organizations
Other advancement and regulation of commerce, 12 responses, 652 hours, $2,750 Federal cost, 4 forms
Edward C. Springer, 202-395-4814

These forms—license application, amendment to license application, personal qualifications of management, and general instructions supply required data to evaluate the propriety of the request for license or amendment thereto, and to determine the eligibility of management relative to requirements of the Small Business Act. The information is necessary to ensure that each licensess is in confromance with provisions of the act.

•Financial report
SBA 468
Annually
Businesses or other institutions, small business investment companies lincensed by SBA
Small businesses or organizations
Other advancement and regulation of commerce, 435 responses, 7,612 hours, $2,600 Federal cost, 1 forms
Edward C. Springer, 202-395-4814

In order to properly administer the Small Business Investment Act, as amended, it is absolutely essential that annual financial statements including management information be submitted. These reports contain the information required to ascertain whether licensees are conforming to provisions of the act, as determined by financial analysis.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

New

- Evaluation of the VAMC Wadsworth palliative program

Weekly, monthly, Semiannually
Individuals or households
Terminally ill cancer patients at VAMC Wadsworth, La., etc.
Hospital and medical care for veterans, 8,043 responses, 4,021 hours, $549,702 Federal cost, 5 forms
Robert Neal, 202-395-6880

This study is a scientific evaluation of the VAMC Wadsworth Hospice. It is a controlled experiment which will determine the relative effectiveness and costs of hospice care for veterans who are terminally ill with cancer by measuring such variables as pain control, satisfaction with care received, depression and various types of cost.

Revisions

- 50% employment requirement survey

VAF 22-8722, 22-8723, 22-8724
Biennially
Individuals or households/State of local governments/businesses or other ins
Graduates of voc. courses, schools and State approv. AGCS.
SIC: 824
Veterans education, training, and rehabilitation, 300,000 responses, 514,650 hours, $245,000 Federal cost, 3 forms
Robert Neal, 202-395-6880

Abstract: authorized by 38 U.S.C. 1673 and 1723, these reports obtain information from graduates, schools and State approving agencies. Information is used to determine effectiveness of a portion of VA's education benefits program.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-7397 Filed 3-6-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17585; File No. SR-BSE-81-1]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc.; Revision to Listing Fee Schedule

Comments requested on or before March 30, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in item I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Change

To increase the original listing fee from $2,000 to $3,500 for each class of stock or bonds applied for in the original listing applications on the date of filing. To increase the annual listing maintenance fee from $250 to $500 for each issue.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed change in listing fees was necessitated by increasing costs due to general economic conditions. The last change in the original listing fee was in 1973 and the annual listing maintenance fee was last changed in 1975.

(b) The move to our new quarters has necessitated revision of some of our marketing material as well as the format of our original listing application forms.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed increase. Indeed, the proposed changes are not only competitive but also reflect a trend as other Exchanges are seeking fee increases.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 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 in the caption above and should be submitted on or before March 30, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 27, 1981.

[FR Doc. 81-7390 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[R and L. No. 11661; 811-2803]

California Tax-Exempt Income Trust, Series I, Proposal To Terminate Registration

March 2, 1981.

Notice is hereby given that the Commission proposes, pursuant to

Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that California Tax-Exempt Income Trust, 700 South Flower Street, Los Angeles, California 90017, Series I ("Fund"), registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicated that the Fund filed its Notification of Registration (Form N–8A) and Registration Statement under the Act (Form N–8B–2) pursuant to Section 8 of the Act on January 26, 1978. On the same date, the Fund also filed its Registration Statement on Form S–6 under the Securities Act of 1933 ("Securities Act"), pertaining to 5,000 units of beneficial interest in the Fund. However, the Fund never acquired any assets, its Registration Statement under the Securities act was never declared effective, it has no security holders, and the Fund is not engaged, nor does it propose to engage, in any activities other than those necessary for the winding-up of its affairs. On the basis of the foregoing, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and that upon the effectiveness of such order the registration of such company under the Act shall cease to be in effect.

Notice is hereby given that any interested person may, not later than March 26, 1981 at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issued, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7317 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11569; 812-4788]

Liquid Cash Trust; Application

March 2, 1981.

Notice is hereby given that Liquid Cash Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219 registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 29, 1980, and amendments thereto on January 9, 1981, and February 12, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Cash Management Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal and that its portfolio may be invested in a variety of money market instruments. The Applicant's portfolio may include U.S. Government obligations, certificates of deposit, prime commercial paper, repurchase agreements and instruments secured by such obligations. Applicant states that the average maturity of the money market instruments comprising its entire portfolio (computed on a dollar weighted basis) will not exceed 120 days. Further Applicant represents that subject to this limitation, its board of trustees presently intends to generally limit the portfolio's average maturity to a maximum of 14 days. The obligations that Applicant may purchase include both fixed rate and variable rate securities. Variable rate obligations have a yield which is adjusted periodically based upon changes in the level of prevailing interest rates. As a result, the value of variable rate notes is less affected by changes in interest rates. All variable rate notes will be restricted to short-term, high quality obligations. With respect to variable rate certificates of deposit maturing in 180 days or less from the time of purchase with interest rates adjusted every thirty days or more frequently (i.e. monthly cycles limited to 28 to 31 days), the Applicant may use the period remaining until the next rate adjustment date for purposes of determining the Applicant's average weighted portfolio maturity. Until such time as the Commission has determined otherwise, the Applicant will use the remaining period to maturity of all other variable rate notes for purposes of determining the Applicant's average weighted portfolio maturity.

According to the application, the Applicant does not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment they have capital, surplus and undivided profits in excess of $100,000,000 at the date of their most recently published financial statements; or (b) the principal amount of the instrument is insured in full by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The application states that the investments in commercial paper are limited to commercial paper rated A–1 by Standard & Poor's Corporation, Prime-1 by Moody's Investors Service or F–1 by Fitch Investors Service.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company issuing any redeemable security, and no

principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *inter alia:* (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. Applicant states that by valuing its portfolio of high quality instruments of short-term maturities at amortized cost, it would be able to achieve the two qualities which investors in a money market fund seek: (1) continuity of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant states that by declaring income daily as earned and valuing its portfolio assets by the amortized cost method, investors would achieve a steady income flow and avoid the volatility which might result from valuing its assets based on market prices.

Applicant represents that it has found through experience that investment in a portfolio of high quality money market instruments of short-term maturities will enable it to provide the required stability to investors. Applicant states that maintaining an average portfolio maturity of 120 days accomplishes both aforementioned investor aims because such a portfolio obviates the possibility of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and such a portfolio provides a yield on portfolio instruments commensurate with yields available in the general money market which would not be otherwise available with a portfolio having an average maturity of shorter duration.

Applicant further states that its request for exemptions is based on its existing and proposed investment policies, which have been adopted by the board of trustees and authorized executive committees and are described in its application and prospectus. Applicant represents that its board of trustees has determined in good faith that use of the amortized cost valuation method to value Applicant's portfolio instruments is appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of turstees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following duties and responsibilities:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than March 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–7318 Filed 3–6–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21947; 70–6557]

New England Electric System et al.; Proposal Relating to Short Term Bank Borrowings, Issuance of Commercial Paper, and Establishment of System of Money Pool; Exception From Competitive Bidding

March 3, 1981.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and five of its subsidiaries, Granite State Electric Company ("Granite"), Massachusetts Electric Company ("Mass Electric"), the Narragansett Electric Company ("Narragansett"), New England Power Company ("NEP") and New England Power Service Company (NEPSCO"), 25 Research Drive, Westborough, Massachusetts 01581, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10 and 12 thereof and Rules 42(a), 43, 45(a), 50(a)(2), 50(a)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The transactions proposed in this application-declaration relate to short-term borrowings by the above named subsidiaries of NEES. The companies propose to borrow from NEES, banks, a system money pool and/or to issue commercial paper. Authorization is also sought for the creation of the money pool.

Granite, Mass Electric, NEP and NEPSCO seek authorization to have an aggregate outstanding principal amount of borrowings not to exceed $3,500,000, $8,500,000, $195,000,000 and $4,000,000, respectively, through March 31, 1982. Narragansett seeks authorization to have an aggregate outstanding principal amount of borrowings of $6,500,000 from April 1, 1981 to December 31, 1981 and to have that authorization automatically increased to $22,500,000 for the period January 1, 1982 through March 31, 1982. The proceeds of the proposed borrowings are to be used to pay outstanding notes to banks, dealers in commercial paper, NEES and/or borrowings from the money pool, to provide new money for capitalizable expenditures (or reimburse the treasury therefor), to refund maturing bonds pending permanent financing, and for other corporate purposes.

Narragansett has outstanding $7,350,000 of First Mortgage Bonds Series C and $14,550,000 of First Mortgage Bonds Series L both due March 1, 1982. It tentatively plans to issue $20,000,000 of bonds in the first quarter of 1982 to refund these maturing issues. As favorable market conditions may not be prevailing at that time, however, there can be no assurance that the planned bonds will be issued. Narragansett therefore needs the flexibility to have an aggregate principal amount of short-term debt outstanding not to exceed $22,500,000 during the period from January 1, 1982 to March 31, 1982.

NEP tentatively plans to issue $100,000,000 of bonds of $50,000,000 of preferred stock during 1981. If the bonds and preferred stock are issued as scheduled, NEP would reach a maximum of short-term borrowings of $153,000,000 during the second and third quarters of 1981. As there can be no assurance that NEP will issue the planned bonds and preferred stock, as favorable market conditions may not be prevailing at that time, NEP must have flexibility to have up to $195,000,000 of short-term debt outstanding in the fourth quarter of 1981. At such time as NEP issues either the bonds or the preferred stock, the requested $195,000,000 authorization will be reduced by the amount of such issue. When both issues are consummated, NEP would be authorized to have a maximum aggregate amount of short-term borrowings outstanding of $45,000,000.

The bank borrowings would be from a group of 40 banks, would be evidenced by notes maturing in less than one year from the date of issuance and would be made in any of the following manners:

(i) The borrowing companies may maintain funds in the banks which represent compensating balances or may pay fees to the banks equivalent to such compensating balance requirements.

(ii) The borrowing companies may negotiate borrowings without compensating balances or the payment of fees at an effective interest cost equivalent to the effective cost of borrowings made under arrangements calling for compensating balances or the payment of fees. The effective interest

cost to the borrowing companies will not be greater than the effective interest cost of bank borrowings at prime based on compensating balance requirements of 10% of the line of credit and 10% of any borrowings thereunder. Based on compensating balance requirements of 10% to 20%, or fees equivalent thereto, the effective interest cost of bank borrowing would be approximately 21.7% to 24.4% per annum based on the current prime rate of 19.5%.

(iii) Borrowings may be made at fixed rates, which may be greater than the then current prime rate, but in no event greater than the limit on the effective interest cost under paragraph (ii) above.

Bank borrowings may be prepaid, in whole or part, with borrowings from NEES or the pool or from the sale of commercial paper.

Borrowings from NEES would be at the prime rate and would be evidenced by notes maturing in less than one year from the date of issuance. The borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from banks or the pool or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowings from NEES to prepay notes to banks, the interest rate of the notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

Mass Electric and NEP propose to issue and sell commercial paper during the period through March 31, 1982 directly to Lehman Commercial Paper Incorporated and/or A. G. Becker & Co., Incorporated and/or Salomon Brothers, dealers in such commercial paper. The dealers, as principals, will reoffer such commercial paper to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by each of the dealers. Each list includes commercial banks, insurance companies, pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, eleemosynary institutions, finance companies and nonfinancial corporations. Prior to or concurrently with the offerings, customers will be furnished current financial and other information with respect to the issuer. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity, Lehman, Becker or Salomon, as the case may be, pursuant to an oral repurchase agreement will repurchase the paper for resale to others on said lists of customers.

The commercial paper will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to the issuer and the issuer's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000. The terms of the commercial paper do not provide for prepayment prior to maturity. The commercial paper will be purchased by Lehman, Becker and/or Salomon from the issuer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Lehman, Becker and/or Salomon will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1% per annum less than the prevailing discount rate to the issuer. The effective interest cost to the issuer on such paper will not exceed the effective interest costs at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of such effective interest cost from The First National Bank of Boston.

The borrowing companies propose to reduce their need for outside borrowing through the use of a money pool. Under the money pool, surplus funds that may be available from time to time in the treasuries of certain of the borrowing subsidiaries will be used to make loans to subsidiaries in need of short-term funds. Each member will determine each day on the basis of cash flow projections the amount of surplus funds it has available for contribution to the pool. These surplus funds will be turned over to New England Power Service Company which will administer the pool as agent for the member companies ("Agent") NEES may not borrow funds from the pool or loan funds to the pool.

Loans from the pool would be made pursuant to open account advances. Evidence of indebtedness would not be prepared for each pool transaction unless a lending subsidiary requests such evidence. In such event, the Agent may receive upon demand a promissory note evidencing the transaction. Loans will be made first to the borrower paying the highest rate for outside funds. If two or more members are paying the same rate, loans will be made to them equally until the needs of one are met. All short-term borrowing needs of members will be met by surplus funds in the pool to the extent such funds are available. All loans made from the pool will be made payable on demand and may be prepaid by the borrower without penalty.

Borrowing companies will pay a monthly rate based upon the rate the borrower would otherwise have to pay an outside lender. Those companies without the ability to issue commercial paper will pay the monthly average of the floating prime rate to the First National Bank of Boston. Those companies with the ability to issue commercial paper will pay the weighted monthly average of the rates on outstanding commercial paper of all subsidiaries. During any month when no such commercial paper is outstanding, the rate will be the monthly average of the rate for high grade 30-day commercial paper sold through dealers by major corporations as published in the *Wall Street Journal*. The rate to be used for weekends and holidays will be the next preceding published rate.

Each member will receive as interest that fraction of the total interest received by the pool equal to the ratio of the surplus funds the member has contributed to the total surplus funds in the pool. Such interest will be computed on a monthly basis. Each member may witdraw for operational purposes any of its surplus funds at any time without notice. If there are more surplus funds in the pool than are necessary to meet the borrowing needs of the members, the Agent will invest the excess on behalf of the pool in certain instruments permitted by Massachusetts law. It is anticipated that lenders to the pool will receive a higher return on their investments than they otherwise would. Borrowers will obtain reduced fees due to a reduced need for bank lines of credit.

Mass Electric and NEP request an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) for the issuance and sale of commercial paper because (1) the commercial paper to be issued will have maturities of not more than nine months, (2) the effective interest cost will not exceed the effective interest cost at the

time of issue for borrowings from the First National Bank of Boston (except for any commercial paper issued with a maturity of not more than 90 days), (3) the current rates for commercial paper are readily ascertainable, and (4) it is not practical to publish invitations for bids for commercial paper.

The New Hampshire Public Utilities Commission has jurisdiction over the proposed issuance of notes by Granite and NEP. The Massachusetts Department of Public Utilities has jurisdiction over the proposed money pool activities of Mass Electric and NEP. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. There are no fees or commissions to be incurred in connection with the proposed transactions. Expenses for incidental services to be performed by NEPSCO at cost are estimated to be $2250.

Notice is further given that any interested person may, not later than March 26, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exhange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7319 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11660; 812-4807]

T. Rowe Price Tax-Exempt Money Fund, Inc.; Application

March 2, 1981.

Notice is hereby given that T. Rowe Price Tax-Exempt Money Fund, Inc., 100 East Pratt Street, Baltimore, Maryland 21202 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on January 16, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was formerly named Rowe Price Prime Reserve Fund II, Inc. and was originally established in the spring of 1980 as a "money market" fund investing in taxable money market instruments. Applicant's Board of Directors approved to convert the Applicant to a "money market" fund investing for income exempt from Federal income taxes on January 8, 1981. Applicant further represents that its investment objective is to seek the highest possible current income exempt from Federal income taxes consistent with preservation of capital and liquidity.

Applicant states that it will invest a high-grade, diversified portfolio consisting primarily of short-term municipal securities. According to the application, at least 80 percent of Applicant's annual income will be exempt from Federal income tax, and at least 80 percent of the value of Applicant's total assets will be maintained in municipal securities. Applicant represents that the municipal securities in which it may invest will all be limited to those obligations which, at the time of purchase: (i) are backed by the full faith and credit of the United States; (ii) are notes rated M1G–1 or M1G–2 by Moody's Investors Service, Inc.; (iii) are municipal bonds rated Aa or better by Moody's or AA or better by Standard & Poor's Corporation; or (iv) are other types of municipal securities, provided that such obligations are rated A–1 by Standard & Poor's or Prime–1 by Moody's. With respect to municipal securities which are not rated, Applicant states that it will limit its investment ot those obligations determined by its Board of Directors to possess investment quality equivalent to that referred to above. Applicant further represents that it will supplement its Prospectus to reflect all changes in its investment program as may be required in any order by the Commission granting the exemptive relief requested to permit Applicant to compute its net asset value to the nearest one cent on a share value of one dollar.

Applicant represents that it does not intend to invest more than 25 percent of its total assets in Revenue Bonds or Industrial Development Bonds paid off from revenues of similar types of enterprises. Applicant further represents that although it will be invested primarily in municipal securities, Applicant may elect to invest up to 20 percent of its total assets in taxable high quality "money market" securities when such action is deemed to be in the best interests of its shareholders. Applicant states that the nature of the investments which it proposes to make have characteristics which are similar to those which are generally designated as "money market" instruments.

According to the application, Applicant has a policy to declare and pay its net income as a dividend to its shareholders on a daily basis and distribute it monthly. Net income for this purpose will consist of all interest accrued and original discount earned on portfolio assets less amortization of premium and estimated expenses. Applicant further states that the amount of original issue discount or premium on portfolio investments will be fixed at the time of their purchase.

Applicant represents that its net asset value per share will be computed twice daily on the days the New York Stock Exchange is open for business. As of 12:00 noon (Eastern time), Applicant will calculate its net asset value for the purpose of pricing shares being purchased or redeemed subsequent to the previous close of trading on the Exchange. Orders to purchase or redeem shares of Applicant which are effective subsequent to 12:00 noon (Eastern time), but before the close of trading on the Exchange, will be priced as of the close of trading on the Exchange on that day. Applicant represents that its net asset value per share will be determined by

dividing the value of the securities held by it plus any cash or other assets (including interest accrued but not yet received), minus all liabilities (including accrued expenses and dividends payable), by the total number of shares outstanding.

The Applicant represents that municipal securities which have remaining maturities of more than 60 days and for which representative market quotations are readily available will be valued at the mean between the most recently quoted bid and asked prices obtained from a major broker-dealer in municipal securities. Money market securities which have remaining maturities of more than 60 days and for which representative market quotations are readily available will be valued at the most recent bid price or yield equivalent as quoted by a major broker-dealer in money market securities. Securities originally purchased with remaining maturities of 60 days or less will be valued at their amortized cost value. The value of securities originally purchased with maturities in excess of 60 days, but which currently have maturities of 60 days or less, will also be determined by using amortized cost valuation for the 60 days prior to maturity, such amortization to be based on the market or fair value of the securities on the 61st day prior to maturity. Securities and other assets for which such procedures are deemed not to reflect fair value, or for which representative market quotations are not readily available, will be appraised at prices deemed best to reflect their fair value as determined in good faith by or under the supervision of the officers of Applicant in a manner specifically authorized by the Board of Directors and applied on a consistent basis. Applicant's Board of Directors has determined at the present time to value municipal securities, for which representative quotations are not available, on the basis of appraisals obtained from a major broker-dealer in municipal securities. According to the application, such broker-dealers may or may not be market makers in particular securities. The Board of Directors has also reserved the right in the future to use a pricing service which may employ electronic data processing techniques, including a matrix system. Applicant further states that it is the policy of the Board to monitor the Applicant's valuation method on an ongoing basis.

Applicant represents that its Board of Directors has adopted a policy, subject to securing the exemption requested, whereby it will attempt to maintain a net asset value of $1.00 per share by rounding off its net asset value per share to the nearest one cent on a share value of one dollar. Applicant further represents that, under this policy, should Applicant incur or anticipate any unusual expense, loss, depreciation, gain, or appreciation which would affect its net asset value per share or income for a particular period, the Board, in an effort to maintain a stable net asset value per share, might temporarily reduce or suspend the payment of dividends (if the net asset value per share should decline) or might supplement such dividends with other distributions (if the net asset value per share should rise).

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes or persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that in the view of its management, a stable $1.00 net asset value would benefit Applicant and its shareholders because: (1) shareholders would have the convenience of being able to determine the value of their holdings simply by knowing the number of shares they own, thereby simplifying their maintenance of investment records; (2) Applicant could be more competitive with the increasing number of tax-exempt money market mutual funds that attempt to maintain a $1.00 net asset value per share; and (3) shareholders and potential shareholders of Applicant generally are not concerned with the minor differences which might occur between yield achieved through "market" pricing and the yield computed by "rounding" off Applicant's net asset value to the nearest one cent on a share value of one dollar.

The Board of Directors of Applicant further believes that computing Applicant's net asset value per share to the nearest one cent on a share value of one dollar will allow Applicant to maintain a constant net asset value per share under most circumstances and thereby permit Applicant to serve the interests and requirements of its shareholders notwithstanding its use of pricing methods other than amortized cost for valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that the Board of Directors of Applicant has determined in good faith that this method of calculating the net asset value per share of Applicant under such circumstances is appropriate.

Applicant further represents that the following conditions may be imposed in any order granting the exemptions it has requested:

1. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, undertakes (as a particular responsibility within the Board's overall duty of care owed to Applicant's shareholders) to assure, to the extent reasonably practical, taking into

account current market conditions affecting the Applicant's investment objectives, that Applicant's net asset value per share as computed for purposes of effecting sales, redemptions and repurchases of its shares, rounded to the nearest one cent, will not deviate from $1.00.

2. Applicant will seek to maintain a dollar-weighted average portfolio maturity appropriate to its appropriate to its objective of maintaining a stable price per share, and Applicant will not (i) purchase an instrument with a remaining maturity greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited to those U.S. dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

For the reasons stated in its application, the Applicant submits that the exemptive relief requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of the Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7320 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21945; 70-6511]

Western Massachusetts Electric Co.; Proposed Issuance and Sale of Notes to Banks

March 3, 1981.

Notice is hereby given that Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts, ("WMECO"), a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act as applicable to the following proposed transaction. All interested parties are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

WMECO has previously been authorized (File No. 70–5912) to issue and sell notes to banks pursuant to a Loan Agreement ("Bank Loan Agreement"), dated as of October 12, 1976, among the company and Chemical Bank and Citibank, N.A. ("Banks"), pursuant to which an aggregate principal amount of $20,000,000 of the company's notes were issued ("Bank Loan") and are outstanding. The Bank Loan of $20,000,000 is unsecured, matures on March 30, 1984, and carries an interest rate equal to 105% of the prime rate of Chemical Bank. There is no requirement for compensating balances and the Bank Loan may be prepaid at any time without premium or penalty.

It is now stated that, in view of current high interest rates and dividend rates on mortgage bonds and preferred stock, WMECO has negotiated and proposes a further amendment ("Amendment") to the Bank Loan Agreement to provide for (i) an increase in the aggregate principal amount of the Bank Loan from $20,000,000 to $30,000,000, (ii) a second mortgage on WMECO's undivided interest in Millstone Unit No. 1 ("Mortgage") as security for the Bank Loan, (iii) a reduction in the interest rate effective January 1, 1981, to (a) 102% of the prime rate of Chemical Bank (as defined in the Bank Loan Agreement) or (b) 102% of a rate onehalf of 1% above the certificate of deposit rate, whichever is higher, and (iv) extension of the maturity of the Bank Loan to December 31, 1985. Chemical Bank and Citibank, N.A., each of which holds $10,000,000 of the outstanding Bank Loan, will each loan an additional $5,000,000 to WMECO. The lien of the Mortgage on Millstone Unit No. 1 will be junior to the lien of the company's First Mortgage Indenture and Deed of Trust, dated as of August 1, 1954.

The funds to be derived by WMECO from the increase in the Bank Loan will be applied, together with other funds available, to the reduction of the company's outstanding short-term borrowings incurred for the company's construction program and for general corporate purposes. As of January 31, 1981, and February 27, 1981, short-term borrowings of WMECO amounted to $27,525,000 and $48,450,000, respectively. The company has experienced an unexpected, rapid increase in its short-term borrowings in recent months, associated primarily with the purchase of replacement fossil fuel to generate power during an extension of a Millstone Unit No. 1 refueling outage so that plant repairs could be effected.

It is stated that there are no fees, commissions, or expenses other than legal fees to be paid or incurred, directly or indirectly, in connection with the proposed transaction. It is also stated that the Massachusetts Department of Public Utilities and the Connecticut Department of Public Utility Control have jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 27, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from

such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-7321 Filed 3-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5106]

Surrender of License; Burger King Mesbic, Inc.

Notice is hereby given that pursuant to Section 107.105 of the Small Business Administration Rules and Regulations governing Small Business Investment Companies (13 C.F.R. (1980)), Burger King Mesbic, Inc., P.O. Box 520783, Biscayne Annex, Miami, Florida 33152, incorporated under the laws of the State of Florida, and organized to operate under Section 301(d) of the Small Business Investment Act of 1958, as amended, (Act) has surrendered its licensee No. 04/04-5106 issued by SBA on September 22, 1972.

The licensee has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Act, and pursuant to the above-cited Regulation, the license of Burger King Mesbic, Inc. is hereby accepted and it is no longer licensed to operate as a Section 301(d) Small Business Investment Company.

Dated: February 26, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-7356 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1979]

Kentucky; Declaration of Disaster Loan Area

The area the City of Louisville, Jefferson County, Kentucky, constitutes a disaster area because of damage resulting from a devastating series of sewer explosions which occured on February 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 4, 1981, and for economic injury until the close of business on December 3, 1981, at: Small Business Administration, District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, Kentucky 40201, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: March 3, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-7357 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1978]

New York; Declaration of Disaster Loan Area

Broome and Essex Counties and Adjacent counties within the State of New York constitute a disaster area as a result of damage caused by flooding and fire which occurred on February 11-13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 4, 1981, and for economic injury until the close of business on December 3, 1981, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007 or

Small Business Administration, District Office, Federal Building, Room 1073, 100 South Clinton Street, Syracuse, New York 13260

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 3, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-7358 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 Noon, on Monday, April 6, 1981, at the Governor Dyer Buffet House, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Charles J. Fogarty, District Director, U.S. Small Business Administration, 40 Fountain Street, Providence, Rhode Island 02903—(401) 528-4580.

Dated: March 4, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-7365 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, public meeting scheduled for 10:00 a.m. (EST) on Thursday, March 26, 1981, at the Essex Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, has been cancelled.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, 575 North Pennsylvania Street, Room 578, Indianapolis, Indiana 46209—(317) 269-7275.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 7366 Filed 3-6-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of San Antonio, Texas, will hold a public meeting at 9 a.m., on Friday, April 3, 1981, at the Federal Building, 727 East Durango, Room A-206, San Antonio, Texas, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Julio Perez, District Director, U.S. Small Business Administration, 727 East

Durango, Room A–513, San Antonio, Texas 78206—(512) 229–6105.

Dated: March 4, 1981.

Robert P. O'Malley,

Executive Director, Office of Advisory Councils.

[FR Doc. 81–7367 Filed 3–6–81; 8:45 am]

BILLING CODE 8025–01–M

Region VIII Advisory Council Cancellation of Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, public meeting scheduled for 9:00 a.m., on Friday, March 27, 1981, at the Cottonwood Club, 1780 Lakewood Drive, Salt Lake City Utah, has been cancelled.

For further information, write or call C. Dale Randall, Deputy District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138—(801) 524–5804.

Dated: March 4, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7368 Filed 3–6–81; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Anchorage, Alaska, public meeting scheduled for 10:00 a.m., on Friday, March 20, 1981, at 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska, has been cancelled.

For further information, write or call Frank D. Cox, District Director, U.S. Small Business Administration, 1016 West Sixth Avenue, Suite 200, Anchorage, Alaska 99501 (907) 271–4022.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7369 Filed 3–6–81; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Bosie, Idaho, public meeting scheduled for 9:30 a.m. (MDT), on Tuesday, March 24, 1981, at the Royal Restaurant "Executive Room", 1112 Main Street, Boise, Idaho, has been cancelled.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702—(208) 334–1096.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7370 Filed 3–6–81; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Seattle, Washington, public meeting scheduled for 9:00 a.m., on Thursday, March 19, 1981, at the Washington Athletic Club, 6th and Union, Room 2105, Seattle, Washington, has been cancelled.

For further information, write or call Maxine Wood, District Director, U.S. Small Business Administration, Room 1744 Federal Building, 915 2nd Avenue, Seattle, Washington 98174—(206) 442–7791.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7371 Filed 3–6–81; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Cancellation of Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the georaphical area of Spokane, Washington, public meeting scheduled for 9:00 a.m., (PST) on Monday, March 23, 1981, at the Flamingo Restaurant, North 5005 Division Street, Spokane, Washington, has been cancelled.

For further information, call or write Valmer W. Cameron, District Director, U.S. Small Business Administration, U.S. Court House, Room 651, Post Office Box 2167, Spokane, Washington 99210—(509) 456–3781.

Dated: March 3, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81–7363 Filed 3–6–81; 8:45 am]

BILLIND CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–81–6]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: March 30, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ——, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 27, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21364	Southwest Flight Crew Association	14 CFR 61.39(b)	To exempt Petitioner's members from the continuous employment provisions of § 61.39(b).
21340	Aerdspatiale Helicopter, Corp.	14 CFR 91.28(c)	To permit the operation of an aircraft of other than U.S. manufacture without a registration certificate from the country of ownership.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
20643	Tri-State Flite Service	14 CFR 135.261(b)	To reduce the required 10-hour rest period to 9 hours. Withdrawn February 23, 1981.
15451	Pan American World Airways	14 CFR 91.32(b)(1) and 121.333(c)(2)	To extend the expiration date of Exemption No. 2230B which grants relief from the requirement for one pilot to wear and use an oxygen mask when both pilots are at the controls when operating a B-747-SP aircraft up to 45,100 feet. Granted February 24, 1981.
21227	Altair Airlines, Inc	14 CFR 61.3, 61.57, 61.58, 121.411, 121.413, and 121.433.	To permit airmen employed by Fokker Aircraft Company to serve as flight instructors and simulator instructors under Altair's FAA-approved training program. Granted February 23, 1981.
20243	Summit Airlines, Inc	14 CFR 121.623(c)	To allow petitioner to conduct its operations without listing at least one alternate airport for each destination airport in the flight release. Granted February 23, 1981.
20414	Leslie L. Warner	14 CFR 61.87(a)(b) and (d)	To permit operation of an unorthodox aircraft without meeting the requirements for solo flight in free balloons. Denied February 25, 1981.
21279	Alaska Airlines	14 CFR 121.291	To allow introduction of newly acquired Boeing 737-200 aircraft into passenger and cargo service without first conducting a full-seating capacity emergency evacuation demonstration. Granted February 26, 1981.
21249	Frontier Airlines, Inc	14 CFR 121.417(c)(1)	To allow for crewmember recurrent training on the operation of emergency exists by using pictorial presentations until May 1, 1981. Partial Grant February 24, 1981.
20846	Braniff Airways, Inc	14 CFR Appendix H to Part 121	To permit petitioner to use its Boeing 727 advanced simulators, serial numbers 228 and 229, for training and checking as permitted under the Phase II simulator requirements of Appendix H to Part 121. Granted February 23, 1981.

[FR Doc. 81-7116 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-13-M

National Aviation Standard; Active Beacon Collision Avoidance System

AGENCY: Federal Aviation Administration (FAA).

ACTION: Extension of comment period on the Final U.S. National Aviation Standard for the Active Beacon Collision Avoidance System (BCAS).

SUMMARY: The FAA published the referenced standard in the **Federal Register** (45 FR 71156) on October 27, 1980. Interested persons were invited to submit written data and comments on or before February 27, 1981.

DATES: The date through which data and comments will be accepted is hereby extended to March 27, 1981.

ADDRESS: Comments on this standard should be submitted in duplicate to: Director, Systems Research and Development Service, Attn: ARD-10, Federal Aviation Administration, 400 7th Street SW, Washington, DC 20590.

FOR ADDITIONAL INFORMATION CONTACT: H. Lee Tucker, Separation Systems Branch (ARD-242), Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, 400 7th Street SW, Washington, DC 20590. Telephone 202-426-0986.

Issued in Washington, DC on March 2, 1981.

Robert W. Wedan,

Director, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation.

[FR Doc. 81-7272 Filed 3-6-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Hilo, Hawaii

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 Hilo, Hawaii.

FOR FURTHER INFORMATION CONTACT: Ralph Segawa, Division Administrator, Federal Highway Administration, 677 Ala Moana Boulevard, Honolulu, Hawaii 96813, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Hawaii Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to improve Hawaii FAP Route 19 from the Wainaku Sugar Mill to the Wailoa River Bridge in Hilo, on the island of Hawaii. The proposed improvements, which are necessitated by the projected increase in traffic, would involve widening and reconstruction of the existing highway and major intersections, and the replacement and/or restoration of existing bridges and culverts.

Numerous alternatives are being considered including the following:

(1) The no-build alternative.

(2) Combining Kamehameha Avenue and the Bayfront Highway for various distances, and closing part of the existing Bayfront Highway.

(3) Utilizing Kamehameha Avenue and the Bayfront Highway in one-way couplet system.

(4) Various Bayfront Highway alignments incorporating portions of the existing highway right-of-way.

(5) Intersection improvements and various schemes of connecting Bayfront Highway with Kamehameha Avenue.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed an interest in this proposal. A series of public informational meetings will be held along with a public hearing to gather the public's input. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be made available for public and agency

review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 23, 1981.

Ralph Segawa,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-7316 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Honolulu, Hawaii

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 Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Segawa, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve the intersection at Castle Junction in Honolulu, Hawaii. Passing through Castle Junction, Pali Highway and Kalanianaole Highway (FAP 61) form a major connecting facility with downtown Honolulu and the outlying communities of Kailua and Waimanalo. Kamehameha Highway (FAP 83) also intersects the Pali/Kalanianaole Highway at Castle Junction. The fourth leg of this intersection, Auloa Road, is a low-volume facility which services local traffic in the immediate area.

Preliminary traffic and accident investigations indicate that an interchange at Castle Junction may be warranted. Alternatives include either a trumpet or diamond type interchange with preference given to the Pali/Kalanianaole Highway movement.

In addition, the project will explore the general implications of a "no-build" alternative. The project EIS will reveal anticipated effects should it be decided to forego any improvements at Castle Junction.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens. In addition, a public hearing will be held and testimony will be received regarding each of the proposed alternatives. A public notice will be published indicating the time and place of the hearing. A revised draft EIS will be available at the time of the hearing, for public review and comment.

No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on February 19, 1981.

Mr. Ralph T. Segawa,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-7315 Filed 3-6-81; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 45
Monday, March 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Wednesday, March 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation of administrative enforcement proceedings against an insured bank and officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof.

Names of persons and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board of Directors determined, on motion of Director William M. Isaac (Appointive), seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(6), (C)(8), and (C)(9)(A)(ii)).

Dated: March 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-371-81 Filed 3-5-81; 11:31 am]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

March 4, 1981.

TIME AND DATE: 10 a.m. March 11, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., 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—482nd Meeting, March 11, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3101, City of Winooski, Vt.
CAP-2. Project No. 2197, Yadkin, Inc.
CAP-3. Project No. 2814, City of Paterson, N.J.
CAP-4. Docket No. ER81-213-000, the Detroit Edison Co.
CAP-5. Docket Nos. ER 81-66-000, and ER81-225-000, Louisville Gas & Electric Co.
CAP-6. Docket No. ER81-156-000, Sierra Pacific Power Co.
CAP-7. Docket No. ER81-223-000, the Washington Water Power Co.
CAP-8. Docket Nos. ER80-160, ER80-243, ER80-262, ER80-343 and ER80-415, Southern Co. Services, Inc.
CAP-9. Docket No. ER78-338 (phase II), Public Service Co. of N. Mex.
CAP-10. Docket Nos. E-9469, ER76-377 and ER78-355, Lockhart Power Co.
CAP-11. Docket No. EL80-26, U.S. Department of Air Force v. Southern California Edison Co.

Miscellaneous Agenda—482nd Meeting, March 11, 1981, Regular Meeting

CAM-1. Docket No. QF81-8-000, Sea World
CAM-2. Docket No. GP81- -000, State of Ohio, Section 103 NGPA determinations: Andrew H. McConnell, FERC No. 79-1339, State Docket No. 533; Callander & Kimbrel, Inc., FERC No. 79-6705, State Docket No. 2825; R. C. Ernst, FERC No. 79-6818, State Docket No. 2639; Apex Natural Gas Co., Inc., FERC No. 79-12105, State Docket No. 5023; Charles O. Lighthizer, FERC No. 79-1252, State Docket No. 3904; Charles O. Lighthizer, FERC No. 79-12530, State Docket No. 3906; Maram Energy Co., FERC No. 79-12631, State Docket No. 5303; Williston Oil & Development Corp., FERC No. 79-15819, State Docket No. 5877; Wray Petroleum Corp., FERC No. 80-3055, State Docket No. 6984

Gas Agenda—482nd Meeting, March 11, 1981, Regular Meeting

CAG-1. Docket No. RP72-133 (PGA75-1, PGA75-3, PGA76-1, PGA77-1, PGA77-1a, PGA77-2, PGA78-1, PGA78-2, PGA79-1, PGA79-2, PGA80-1 and PGA80-2), United Gas Pipe Line Co.
CAG-2. Docket No. RP79-68, North Penn Gas Co.
CAG-3. Docket No. RP80-115, The Union Light, Heat & Power Co.
CAG-4. Docket No. RP80-98, Valley Gas Transmission, Inc.
CAG-5. Docket Nos. RP79-8 and RP80-8, Kansas-Nebraska Natural Gas Co., Inc.
CAG-6. Docket No. RP77-62, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG-7. Docket No. CI77-517-003 and CI81-62-000, Exxon Corp.
CAG-8. Docket No. R179-2, Logue & Patterson
CAG-9. Docket No. RI76-31, Tenneco Oil Co. (operator) et al., (agent for TEMA Oil Co. and Ashland Oil Co.); Docket No. RI80-17, Amoco Production Co.
CAG-10. Docket Nos. CS71-92, et al., Amarex, Inc., et al.
CAG-11. Docket No. G-13746-002, Mobil Oil Exploration & Producing Southeast Inc.
CAG-12. Entex Inc.
CAG-13. Docket No. ST80-64, Phillips Petroleum Co.
CAG-14. Docket No. RP80-129, State of Ohio ex rel. William D. Brown, Attorney General
CAG-15. Docket No. TC80-91, Central Florida Gas Corp.
CAG-16. Docket No. CP80-388 (extension), Tennessee Gas Pipeline Co.; Docket No. CP80-388 (storage/transportation), Tennessee Gas Pipeline Co.; Docket No. CP80-541, Texas Gas Transmission Corp.
CAG-17. Docket No. CP81-9-000, Lone Star Gas Co., a Division of Enserch Corp.
CAG-18. Docket No. CP80-526, Transcontinental Gas Pipe Line Corp.
CAG-19. Docket No. CP80-364, Arkansas Oklahoma Gas Corp.
CAG-20. Docket No. CP81-4-000, Texas Eastern Transmission Corp.
CAG-21. Docket No. CP81-22-000, El Paso Natural Gas Co.
CAG-22. Docket No. CP81-41-000, Panhandle Eastern Pipe Line Co.

CAG–23. Docket No. CP80–405, Panhandle Eastern Pipe Line Co.
CAG–24. Docket No. CP80–534, Transcontinental Gas Pipe Line Corp.
CAG–25. Docket No. CP80–469, United Gas Pipe Line Co.
CAG–26. Docket No. CP80–576, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–27. Docket No. CP80–506, Montana-Dakota Utilities Co.
CAG–28. Docket Nos. CP80–343 and CP77–434, Southwest Gas Corp.
CAG–29. Docket No. CP81–53–000, Houston Pipe Line Co.; Docket No. CP81–89–000, Oasis Pipe Line Co.; Docket No. CP77–289–022, El Paso Natural Gas Co.
CAG–30. Docket Nos. CP66–110–015, et al., CP79–141–001, et al. and CP79–144–001, et al., Great Lakes Gas Transmission Co.

Power Agenda—482nd Meeting, March 11, 1981, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2729, Power Authority of the State of New York
P–2. Project No. 2114, Public Utility District No. 2 of Grant County, Wash.
P–3. Docket No. DA–2 South Carolina, South Carolina Public Service Authority

II. Electric Rate Matters

ER–1. Docket No. ER81–181–000, Bangor Hydro-Electric Co.
ER–2. Docket No. ER76–304, ER76–317 and ER76–498, New England Power Co.
ER–3. Docket No. ER77–614, Union Electric Co.
ER–4. Docket No. ER78–522, Virginia Electric & Power Co.
ER–5. Docket No. ER77–531, Illinois Power Co.
ER–6. Docket Nos. ER77–578 and ER80–259, Kansas Gas & Electric Co.
ER–7. Docket Nos. ER79–512 and ER80–420, Long Island Lighting Co.
ER–8. Docket No. ID–1616, William A. Verrochi; Docket No. ID–1907, Ernest W. Schleicher; Docket No. ID–1908, Raymond E. Werts; Docket No. ID–1909, Robert B. Heist; Docket No. ID1910, James S. Bartman; Docket No. ID–1911, Henry Robidoux; Docket No. ID–1912, Robert E. Gehman; Docket No. ID–1913, Richard G. Baker; Docket No. ID–1914, Harold M. Class; Docket No. ID–1915, F. Allen Donofrio; Docket No. ID–1916, James R. Reesman; Docket No. ID–1917, Robert L. Wise; Docket No. ID–1918, Thomas P. Wolff; Docket No. ID–1919, Ralph W. Conrad; Docket No. ID–1920, Mary M. O'Donovan; Docket No. ID–1921, William H. Hirst; Docket No. ID–1922, Floyd J. Smith
ER–9. Docket No. EL81–5–000, Edison Electric Institute

Miscellaneous Agenda—482nd Meeting, March 11, 1981, Regular Meeting

M–1. Reserved.
M–2. Reserved.
M–3. Docket No. RM81– , Sales and Transportation by interstate pipelines
M–4. (A) Docket No. RM79–76 (Ohio–1), high cost gas produced from tight formations; (B) Docket No. RM79–76 (Colorado–3), high cost gas produced from tight formations; (C) Docket No. RM79–76 (Colorado–5), high cost gas produced from tight formations
M–5. Docket No. SA80–17, Peter Cooper Corp.

Gas Agenda—482nd Meeting, March 11, 1981, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP72–122 (PGA 78–3), Colorado Interstate Gas Co.
RP–2. Docket Nos. RP77–96 and RP78–78, Natural Gas Pipeline Co. of America
RP–3. Docket No. RP78–78, Natural Gas Pipeline Co. of America
RP–4. Docket No. RP80–3, Michigan Wisconsin Pipe Line Co.

II. Producer Matters

CI–1. RI77–87, North American Royalties, Inc.,

III. Pipeline Certificate Matters

CP–1. (A) Docket No. CP78–446, El Paso Natural Gas Co. and Michigan Wisconsin Pipe Line Co.; (B) Docket No. CP77–378, Northwest Pipeline Corp.; (C) Docket No. CP77–547, Northwest Pipeline Corp.
CP–2. Docket No. CP81–69–000, Consolidated Gas Corp.
CP–3. Docket No. CP74–35, Pacific Offshore Pipeline Co.; Docket No. CI79–533, Exxon Corp.

Kenneth F. Plumb,

Secretary.

[S370–81 Filed 3–5–81; 10:05 am]

BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, March 12, 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).

MATTERS TO BE CONSIDERED:

Permission to Organize a New Federal Association—Horace Richter, *et al.*, Hamilton, Georgia
Modification of Conditions—American Loan & Savings Association, Hannibal, Missouri
Preliminary Application for Conversion to a Federal Mutual Charter—Bay Ridge Savings & Loan Association, Brooklyn, New York
Request for Extension of Time to Open a Branch Office—Talman Federal Savings & Loan Association, Chicago, Illinois
Request for Extension of Time to Open a Branch Office—Glendale Federal Savings & Loan Association, Glendale, California
Branch Office Application—Albuquerque Federal Savings & Loan Association, Albuquerque, New Mexico
Applications for Bank Membership and Insurance of Accounts—Foothill Savings & Loan Association, Stock, Hemet, California
Application for Bank Membership and Insurance of Accounts—Washington Savings & Loan Association, Stockton, California (New Stock Association)
Applications for Bank Membership and Insurance of Accounts—Huntington Savings & Loan Association, Huntington Beach, California
Post-Employment Conflict of Interest
Mutual Fund Investment
Monetary Control Act Reserves Counting Toward Liquidity Requirements
No. 457, March 5, 1981.

[S–272–81 Filed 3–5–81; 12:06 pm]

BILLING CODE 6720–01–M

4

[USITC SE–81–5]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, March 17, 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.
5. Rail passenger cars from Italy and Japan (Invs. 731–TA–5 and –6 [Preliminary])—consideration of remanded case.
6. Certain edible *Achatine fulica* (Docket No. 713).
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–373–81 Filed 3–5–81; 1:47 pm]

BILLING CODE 7020–02–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, March 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Union Insurance and Group Purchasing Activities.
3. Revised Long-Range Plan for Fiscal Years 1981–1983.
4. Consideration of revised procedures and instructions for processing standard bylaw amendments.
5. Proposed amendment to Part 701.11 of the NCUA Rules and Regulations regarding filing of Annual Report of Officials.
6. Proposed amendment to Part 749 of the NCUA Rules and Regulations, Records Preservation Program.
7. Final Rule—Deregulation of the real estate lending regulation, Section 701, which prohibits FCUs with assets of less than $2,000,000 from granting long-term real estate

loans and removal of regulatory restraints which limit the amount of loan origination fees that can be assessed.

8. Report of actions taken under delegations of authority.

9. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, March 12, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudications. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).

2. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Proposed Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Administrative Action under Sections 205 and 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Recommendation from Executive Resources Board regarding performance appraisal review. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant telephone (202) 357–1100.

[S-367-81 Filed 3-4-81; 4:24 pm]

BILLING CODE 7535-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Monday, March 9, and Tuesday, March 10, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, March 9:

2 p.m.: Briefing on Final PEIS on TMI (public meeting) (tentative)

Tuesday, March 10:

2 p.m.: Discussion of Modifications to Improve the Licensing Process (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 2, 1981.

[S-369-81 Filed 3-5-81; 9:56 am]

BILLING CODE 7590-01-M

7

POSTAL SERVICE.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260, at 9 a.m. on March 10, 1981. The meeting is a continuation of the discussion of the general rate case (Postal Rate Commission Docket No. R80–1) which was commenced but not completed in closed session on March 2, 1981. The continuation of the discussion will likewise be in closed session, the Board having duly determined to close its discussion of this agenda item to public observation, in accordance with the provisions of the Sunshine Act. Docket No. R80–1 is the only agenda item to be considered at this meeting.

Louis A. Cox,

Secretary.

[S-366-81 Filed 3-5-81; 9:56 pm]

BILLING CODE 7710-12-M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Wednesday, February 25, 1981.

CHANGES IN THE MEETING: Deletions/addition. The following item was not considered at a closed meeting scheduled for Wednesday, March 4, 1981, at 10:00 a.m.

Administrative proceeding of an enforcement nature.

The following item was not considered at an open meeting scheduled for Thursday, March 5, 1981, at 10:00 a.m.

Consideration of whether to issue a release withdrawing an advance notice of proposed rulemaking concerning the disclosure of security ratings in Commission filings. For further information, please contact Beverly K. Rubman at (202) 272–2604.

The following additional item will be considered at a closed meeting scheduled for Thursday, March 5, 1981, following the 10:00 a.m. open meeting.

Formal order of investigation.

The following item will not be considered at a closed meeting scheduled for Tuesday, March 10, 1981, at 10:00 a.m.

Report of investigation.

Commissioners Loomis, Evans, Friedman and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

March 5, 1980.

[S-374-81 Filed 3-5-81; 2:42 pm]

BILLING CODE 8010-01-M

federal register

Monday
March 9, 1981

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Horse Protection; Certified Designated Qualified Person Programs And Licensed Designated Qualified Persons

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection; Certified DQP Programs and Licensed DQP's

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Certified DQP Programs and Licensed DQP's Pursuant to 9 CFR 11.7(b)(8).

PURPOSE: This notice is to advise the general public and the horse industry of the current Designated Qualified Person (DQP) programs certified by the Department and the currently licensed Designated Qualified Person (DQP's) under each certified program. The certified DQP programs and the DQP's licensed by each certified program are as follows:

(3) American Fox Trotting Horse Breed Association, Inc., Marshfield, MO 65706

(1) Licensed DQP:
(i) *Kansas*
B. K. (Butch) Howey, Maize, KS 67101
Jack D. Kirschbaum, Wichita, KS 67226
(ii) *Missouri*
Barbara A. Bailey, Kirksville, MO 63501
Kerry L. Baker, Houston, MO 65483
Larry Baysinger, Russellville, MO 65074
Jim Devine, Eminence, MO 65466
Norris J. Johnson, St. Joseph, MO 64507
Jeff Jones, Conway, MO 65632
Bill E. Kimmons, Bolivar, MO 65613
Claude Laffoon, Houston, MO 65483
Jerry Middleton, Springfield, MO 65804
W. D. Montgomery, Grove, MO 65711
A. B. Quick, Protem, MO 65733
Vicki Trussell, Strafford, MO 65757
Tom Tyler, Highlandville, MO 65669
Jimmie D. Wisdom, Arnold, MO 63010

(b) Heart of America Walking Horse Association, Inc., Kansas City, Mo 64151

(1) Licensed DQP: None

(c) Missouri Fox Trotting Horse Breeding Association, Ava, MO 65608

(1) Licensed DQP:
(i) *Missouri*
Larry Baker, Cabool, MO 65689
John Belshe, Warrenburg, MO 64093
Deryl Caswell, Lebanon, MO 65536

(d) National Walking Horse Regulatory Committee, Shelbyville, TN 37160

(1) Licensed DQP:
(i) *Alabama*
L. A. Britt, Birmingham, AL 35243
Michael C. (Mike) Parker, Headland, AL 36345
David A. Parsons, Birmingham, AL 35203
Grady Parsons, Bessemer, AL 35020
Edgar D. Smith, Stevenson, AL 35772
W. E. "B. I." Sullivan, Fort Deposit, AL 36032
Ken Willis, Alabaster, AL 35007
(ii) *Arkansas*
Joe N. Beasley, Farmington, AR 72730
(iii) *California*
William A. (Bill) Hartman, Norco, CA 91760
Sharon McCaleb, Fair Oaks, CA 95628
Russ Thompson, Chino, CA 91710
Lon Whitworth, Gilroy, CA 95020
(iv) *Florida*
Herbert C. Henderson, Zephyrhills, FL 33599
(v) *Kentucky*
Frank Brown, Frankfort, KY 40601
Thomas E. Garland, Mayfield, KY 42066
Jimmie Small, Benton, KY 42023
(vi) *Maryland*
Norma Shockey, Smithsburg, MD 21783
(vii) *Michigan*
John L. Prigg, Lake Orion, MI 48035
Kenneth (Ken) Range, New Boston, MI 48164
Harry Richardson, New Boston, MI 48164
(viii) *Mississippi*
Ed Abernathy, Shannon, MS 38868
S. H. Reames, Jackson, MS 39212
Jimmy K. Sullivan, Raymond, MS 39154
(ix) *Missouri*
George Blades, Billings, MO 65610
Ronald F. Elkins, Jr., Ozark, MO 65721
Paul Garton, Marshfield, MO 65706
Karl S. Harmon, Eldon, MO 65026
Merle Harris, Bolivar, MO 65613
Norris J. Johnson, Jr., St. Joseph, MO 64507
Bill Kimmons, Bolivar, MO 65613
Bill Maack, Jr., Goodson, MO 65659
Johnny Pursley, Bolivar, MO 65613
Keith Robinson, Springfield, MO 65804
Linda Scrivner, Stafford, MO 65757
Sonny Scrivner, Strafford, MO 65757
Vicki L. Trussell, Strafford, MO 65757
Bobby D. Wood, Hartville, MO 65667
(x) *Oklahoma*
Calvin G. Raines, Tulsa, OK 74105
(xi) *Oregon*
Skip Bickford, Carlton, OR 97111
Les Hyatt, Grants Pass, OR 97526
(xii) *Pennsylvania*
Richard C. Guise, Harrisburg, PA 17112
(xiii) *Rhode Island*
Rene O. Dupont, Coventry, RI 02816
(xiv) *South Carolina*
Tommy Blackwell, Greer, SC 29651
Steven Clayton, Taylors, SC 29687
Marietta Gambrell, Anderson, SC 29621
Hank Goodman, Central, SC 29630
James A. McKnight, Bishopville, SC 29010
Melvin Wallace, Sumter, SC 29150
James G. Waters, Mauldin, SC 29662
(xv) *Tennessee*
George W. Bacon, Rockwood, TN 37854
Leland S. Bacon, Rockwood, TN 37854
Don Bills, Shelbyville, TN 37160
James Dennis (Porky) Campbell, Murfreesboro, TN 37130
James E. "Jimmy" Cole, Jackson, TN 38301
Danny R. Davis, Unionville, TN 37170
Frank Dawson, Pulaski, TN 38478
Don E. Everett, Lewisburg, TN 37091
Jerry McKechnie, Pikeville, TN 37367
Mack Motes, Eagleville, TN 37060
L. M. Murphy, Shelbyville, TN 37160
Gene Sills, Wartburg, TN 37887
Harland Smith, Jr., Shelbyville, TN 37160
Randy Tenpenny, Woodbury, TN 37160
Rick Trull, Waverly, TN 37185
Roonie Williams, Winchester, TN 37398
(xvi) *Texas*
Jack Miller, Houston, TX 77036
(xvii) *Virginia*
Lambert Martin, Bedford, VA 24523
Harvey Matherley, Blacksburg, VA 24060
(xviii) *Washington*
Janet Briner, McCleary, WA 98557
Freeman M. (Lane) Curry, Maple Valley, WA 98038

(e) Walking Horse Owner's Association of America, Inc., Murfreesboro, TN 37130

(1) Licensed DQP:
(i) *Georgia*
James C. House, Ringgold, GA 30736
Danny C. Rylee, Gillsville, GA 30543
(ii) *Illinois*
Floyd Hampshire, Barry, IL 62312
(iii) *Kansas*
Dick Brown, Olathe, KS 66061
(iv) *Kentucky*
Nolan Benton, Richmond, KY 40475
Jimmy C. Coffey, Russell Springs, KY 42642
John A. Dadisman, Lawrenceburg, KY 40342
James A. Farris, Winchester, KY 40391
William S. Fisher, Winchester, KY 40391
Kenneth Gilpin, Louisville, KY 40222
Kent Wagoner, Richmond, KY 40475
Gary L. Ware, Waynesburg, KY 40489
Johnnie J. Zeller, Eubank, KY 42567
(v) *Mississippi*
Samuel D. Hall, Clinton, MS 39056
(vi) *Missouri*
Max Atkinson, Olean, MO 65064
Sandra Brown, Blue Springs, MO 64015
Robert Finley, Eolia, MO 63344

Harold Magers, Moberly, MO 65270
Keith Martin, Clarksburg, MO 65025
John Stevens, Belton, MO 64012
Freddie Teter, Macon, MO 63552
(vii) *North Carolina*
Dewey S. Carpenter, Jr., Forest City, NC 28043
Jack McElrath, Winston-Salem, NC 27107
(viii) *Ohio*
Harry E. Grunewald, Morrow, OH 45152
Albert Webb, Oxford, OH 45056
Jack M. Whitaker, Lebanon, OH 45036
(ix) *South Carolina*
G. K. Mease, Anderson, SC 29621
(x) *Tennessee*
Ray "Tut" Brown, Hohenwald, TN 38485
Robert E. Gardiner, Paris, TN 38242
Mike Hooper, Etowah, TN 37331
Gary Kimmons, Dickson, TN 37055
Lonnie Messick, Murfreesboro, TN 37130
Harold S. White, Franklin, TN 37064
(xi) *Virginia*
Carl Cartwright, Jr., Tazewell, VA 24619
(xii) *West Virginia*
James L. Singleton, Ashton, WV 25503
(xiii) *Wisconsin*
James D. Harber, Neenah, WI 54956
John F. Wilson, Helenville, WI 53137

(f) Western International Walking Horse Association, Wilsonville, OR 97070

(1) Licensed DQP:
(i) *Oregon*
Samuel Gill, Portland, OR 97106
Jake Price, Yambill, OR 97111
(ii) *Washington*
Marianne Howard, Seattle, WA 98112
Randle Jack, Pullman, WA 83843

SUPPLEMENTARY INFORMATION: Section 11.7(b)(8) of the Horse Protection Regulations (9 CFR 1.7(b)(8)) which states in relevant part that, "A current list of certified DQP programs and licensed DQP's will be published in the **Federal Register** at least once each year, and as may be further required for the purpose of deleting programs and names of DQP's that are no longer certified or licensed, and of adding the names of programs and DQP's that have been certified or licensed subsequent to the publications of the previous list."

This is the second list of certified programs and licensed DQP's published under the regulations which became effective January 5, 1979, and supersedes the first list published in the **Federal Register**, Volume 44, No. 250, Friday, December 28, 1979, page 77095, and will serve as notice to the general public and the horse industry that the above-mentioned programs have been certified, and the individuals licensed, according to regulations.

Done at Washington, D.C., this 3d day of March 1981.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-7127 Filed 3-6-81; 8:45 am]
BILLING CODE 3410-34-M

Reader Aids

Federal Register

Vol. 46, No. 45

Monday, March 9, 1981

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Los Angeles, Calif.	213-688-6694
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

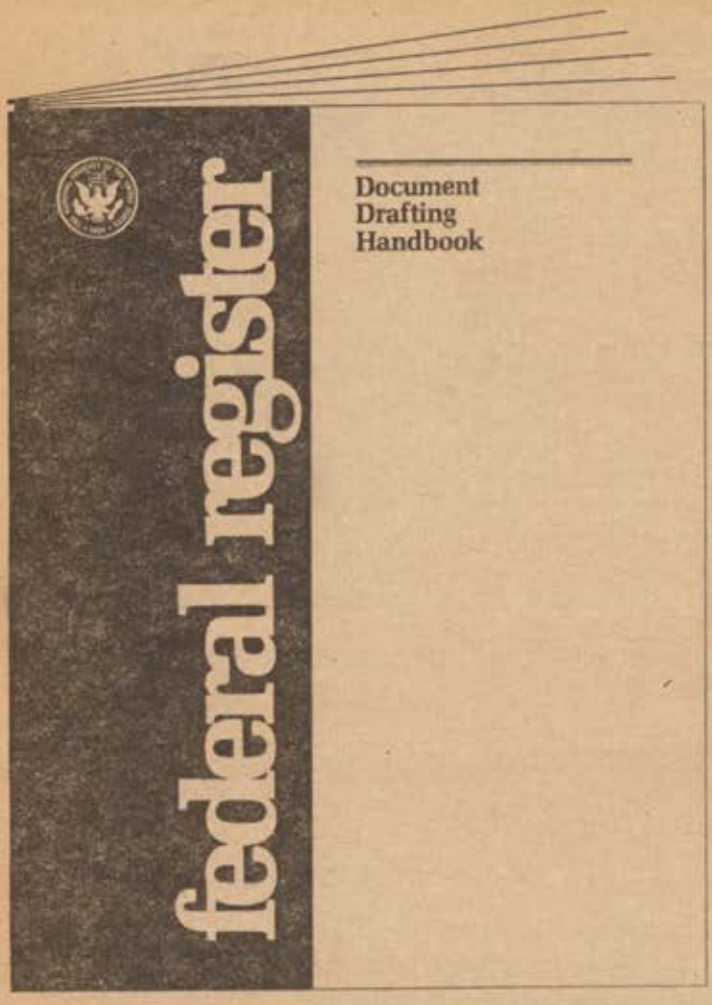
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.



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