

federal register

Friday
March 13, 1981

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Highlights

- 16656, 16663 Banks and Banking** Treasury/Comptroller issues rules to revise its trust examination fees to recover direct and overhead expenses and adopts rule to revise its fee schedule for processing various types of corporate applications and filings to recover the associated expenses (2 documents)
- 16659, 16661 Banks and Banking** Treasury/Comptroller adopts rule governing public participation in its processing of applications for corporate activities and issues rule to eliminate unnecessary duplication and delay in charter applications filed solely to facilitate bank holding company acquisitions or reorganizations; effective 3-13-81 (2 documents)
- 16823 Grant Programs** ED revises the 1981-82 Family Contribution Schedules for the Pell Grant Program (Part III of this issue)
- 16830 Grant Programs** HHS/HDSO announces availability of state grant funds for FY 1981 Child Abuse and Neglect Grants Program (Part V of this issue)
- 16686 Veterans Loans** VA issues rule to increase the maximum permissible interest rate on new guaranteed, insured and direct loans for homes and condominiums; effective 3-9-81

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

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- 16666 Air Traffic Control** DOT/FAA issues amendment to update and clarify the air traffic flight rules; effective 3-13-81
- 16669 Exports** Commerce/ITA issues rule concerning destination control statements to prevent diversion of exports to unauthorized destinations in Russia; effective 3-13-81
- 16827 Labor** Labor proposes rule to clarify criteria to be used in determining applicant eligibility for Redwood Employee Protection Program benefits based on layoffs, comments by 4-13-81
- 16653 Disability Retirement** OPM issues rule; effective 3-5-81
- 16673 Securities** SEC adopts rules exempting business development companies and certain of their affiliates from provisions of the Investment Company Act; effective 3-9-81
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Disability Retirement

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: These regulations implement the recommendations from the Office of Personnel Management's study of the disability retirement program.

EFFECTIVE DATE: March 5, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene Littleford (Policy Questions), (202/632-4634); Dr. George M. Smith (Medical Questions), (202/632-5510).

SUPPLEMENTARY INFORMATION: These regulations were published as proposed regulations in the *Federal Register* of August 12, 1980, with a 60-day comment period. The proposed regulations refused an employee disability retirement benefits when the agency made a valid offer of reassignment to a position of equivalent grade or pay, and revised the rules for the reemployment of disability annuitants by the Federal government to simplify the process and to encourage reemployment. Comments were received from employees, employee organizations, Federal agencies, and other interested parties. The following is a summary of those comments and the Office of Personnel Management (OPM)'s action in regard to them.

Several commenters questioned OPM authority to reinterpret the definition of disability through regulations because it has been interpreted through case law. The case that was cited was *Cerrano v. Fleishman*, 339 F. 2d 919 (1964). This case stated that the use of the word "position" in the definition of disability (5 U.S.C 8331(6)) indicated

Congressional intent that OPM or the employing agency need not search for another position for which the employee is qualified before approving a disability retirement.

This case does not limit OPM's authority to revise this definition prospectively. First, the court did not interpret the statute itself, but merely accepted the Commission's interpretation. Second, the opinion specifically states that the Commission (now Office of Personnel Management), as the administering agency, has the right to adopt regulations implementing the statute which carry out the objective of the statute and which make it consistent with and complementary to other Federal statutes and policies. This right implies an obligation to revise agency regulations to reflect changing conditions. More recent legislation, particularly the Rehabilitation Act of 1973, does impose an obligation to attempt reassignment of the disabled employee prior to separation, and with the existence of such obligation, it is appropriate that we reinterpret the definition of disability. Further, recent legislation (Pub. L. 96-499, December 5, 1980) has changed the statutory definition of disability and the revised regulations are needed to conform with the changes.

The statutory change and these regulations deny disability retirement to an employee who refuses an offer of reassignment to a position of equivalent grade or pay within the commuting area for which he/she is qualified. Disability retirement compensates an individual for his/her loss of earning capacity. Thus, when the employee can be gainfully employed at the same grade or pay by the agency, there is no justification for granting a retirement benefit.

Congress, in establishing the reassignment provision, did not intend to require the displacement of any other employee to accommodate the reassignment of a disabled employee. Further, Congress did not create a restoration right for disability annuitants who have recovered. To clarify these points and to avoid further confusion, the sentence "However, this requirement does not obligate an agency to create or to vacate a position to place a disabled employee" has been inserted into § 831.502(b).

Instructions to agencies on the actions necessary to determine the availability of other positions for which the employee is qualified will be made available as Federal Personnel Manual guidance when these regulations become effective.

The proposed regulations limited disability retirement to those employees who could not be reassigned to a vacant position at the same grade level, or the equivalent under a different classification system, within the same agency and competitive area. However, in view of the hardship of relocating when the competitive area is nationwide or regional, the final regulations have substituted "commuting area" for "competitive area."

In order to clarify what medical evidence is necessary to establish disability, the definition of "medical evidence" has been expanded to detail the kinds of information needed to establish a claim of disability.

Some concern was expressed that the new definition of disability would be used to discontinue payments to disability annuitants who have been awarded the benefit under the earlier statutory definition. The statutory change is prospective only and will have no effect on persons already retired.

Several comments also expressed concern about the effect of the new definition on the reexamination program described in § 831.502(d). This section is essentially identical to current regulations, and it will not be affected by the new definition.

To improve readability, the rules on reemployment and reinstatement of annuity have been reorganized by subject matter and given separate sections. This required some renumbering of other sections also.

Due to a typographical error in the proposed regulations published in the *Federal Register* on August 12, the word "continue" instead of "discontinue" was printed in § 831.502(e)(2). This has been corrected.

A specific statement is incorporated in the regulations stating that a disability annuitant may be reemployed in any position for which he/she is qualified, subject only to a requirement that the employing agency notify OPM of the reemployment. Instructions in the Federal Personnel Manual have heretofore restricted a disability annuitant under age 60 to reemployment

under a temporary appointment of less than one year, without prior medical approval of OPM, or a prior finding of recovery or restoration to earning capacity. Such a limitation on reemployment was designed to assure that OPM made a finding of recovery or restoration before a disability annuitant was permanently reemployed. This limitation was criticized in the past as unduly restricting reemployment opportunities for disability annuitants. OPM now agrees that this past limitation was unduly restrictive. Under the new regulations, disability annuitants who are reemployed without a prior finding of recovery or restoration will continue to receive annuity, and pay shall be reduced by the amount of annuity allocable to the period of reemployment, pending agency notification of OPM of the reemployment and determination by OPM of whether a finding of recovery or restoration to earning capacity warranting termination of annuity is indicated.

The rule on suspension of annuity in the case of simultaneous employment and reinstatement of annuity has been changed to provide for offset of annuity from pay. We believe that this is a more equitable solution.

In § 831.502(d)(3), which concerns termination of the annuity of recovered disability annuitants on employment by the Government, reference was dropped to specific types of employment, since reemployment of any nature with the Government would be sufficient to trigger the statutory termination.

Pursuant to § 553(d)(3) of title 5, United States Code, the Director finds that good cause exists for making this amendment effective in less than 30 days. The amendment is needed to implement the statutory change in the definition of disability, which is effective March 5, 1981.

These regulations apply to an application for disability retirement received by OPM on or after March 5, 1981.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation.

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management
Beverly McCain Jones,
Issuance System Manager.

Accordingly, § 831.502 of Title 5, Code of Federal Regulations, is revised to read as follows:

§ 831.502 Disability retirement.

(a) *Definitions.* For the purposes of this subpart:

"Disabled" and "disability" mean unable or inability to render useful and efficient service because of disease or injury (1) in the employee's current position; or (2) in a vacant position in the same agency at the same grade or pay level for which the individual is qualified for reassignment. For the purpose of the preceding sentence, an employee of the United States Postal Service shall be considered not qualified for a reassignment if the reassignment is to a position in a different craft or is inconsistent with the terms of a collective bargaining agreement covering the employee.

"Medical information" and "documentation of a medical condition" mean a statement made within 90 days of the date of submission from a licensed physician or physician on active duty in a uniformed service who has examined the employee which provides the following kinds of information:

- (1) The history of specific medical conditions, examinations, and responses to treatment.
- (2) Current clinical findings from physical examination results and laboratory data.
- (3) Assessment of the present status of specific medical conditions.
- (4) Diagnosis.
- (5) Prognosis.
- (6) Clinical assessment estimating the date of full or partial recovery.
- (7) Clinical assessment of risk of injury or hazard to self or others which would arise from the performance of essential duties, and a narrative justification of the medical basis for the conclusions.

"Qualified for reassignment" means able to meet the minimum requirements for the grade and series of the vacant position in question.

"Rate last payable" means the rate of annuity to which the annuitant was entitled on the date his/her disability annuity was last discontinued.

"Useful and efficient service" means (1) either acceptable performance of the critical or essential elements of the position or the ability to perform at that level; and (2) satisfactory conduct and attendance.

"Vacant position" means a position of the same tenure in the same commuting area which is not occupied.

(b) *Prima facie case of disability.* A prima facie case of disability requires documentation that specifically demonstrates the employee's failure to provide useful and efficient service in his/her position, because of a medical condition. The agency shall include documentation of any steps taken to accommodate the disabling condition in the present position, and of the absence of vacant positions at the same grade or pay level and tenure, within the same commuting area, for which the employee is qualified for reassignment. However, this requirement does not obligate an agency to create or to vacate a position for a disabled employee.

(c) *Examination.* OPM may offer the applicant a medical examination by a medical officer of the United States or a qualified physician or board of physicians designated by OPM, when it determines that additional medical evidence is necessary to make a decision on an application.

The applicant's refusal to submit to an examination offered under these circumstances is grounds for disallowance of the application.

(d) *Reexamination.* (1) A disability annuitant may request reexamination under the provisions of this section at any time. A disability annuitant age 60 or over shall be reexamined only on his/her own request.

(2) Each disability annuitant who is under 60 years of age shall be reexamined annually under the direction of OPM, unless OPM determines that the disability is permanent. OPM may order a medical or other examination at any time to determine the facts relative to the nature and degree of disability of the annuitant. Failure to submit to reexamination shall result in suspension of annuity.

(3) When an examination shows that a disability annuitant has recovered, OPM shall discontinue the annuity at the expiration of 1 year from the date of the examination. When a recovered disability annuitant is reemployed by a department or agency within 1 year from the date of examination, OPM shall discontinue the annuity from the date of reemployment.

(e) *Income limitation.* (1) Each disability annuitant who is under 60 years of age shall report to OPM, in a format acceptable to OPM, by April 15 of each year, his/her income from wages and/or self-employment for the prior calendar year. If an annuitant fails to submit a report, OPM may suspend annuity payments until the annuitant's

entitlement to continued annuity is established.

(2) When, in each of two succeeding calendar years, a disability annuitant has received income from wages and/or self-employment, equaling at least 80 percent of the current rate of pay of the position from which he/she retired, the annuitant's earning capacity is deemed restored. If earning capacity is restored, OPM shall discontinue the annuity at the expiration of 1 year from the end of the two-year period. When the disability annuitant is reemployed by a department or agency within 1 year from the end of the two-year period, OPM shall discontinue the annuity from the date of reemployment.

(f) *Reemployment.* (1) A disability annuitant may be reemployed in any position for which he/she is qualified. The employing agency shall notify OPM of the reemployment, including in the notification the nature of the position, the type of appointment, and the rate of pay.

(2) When a disability annuitant whom OPM has found recovered from disability, or restored to earning capacity, is reemployed while he/she is still entitled to disability annuity, OPM shall discontinue the annuity effective on the date of reemployment.

(3) If the disability annuitant has not been found recovered from disability, or restored to earning capacity, the employing agency shall offset the pay of the disability annuitant by the amount of annuity allocable to the period of reemployment.

(4) OPM may review the notification of reemployment, and order reexamination under the provisions of § 831.502(d), as it finds appropriate. In connection with the reexamination process, the employing agency and/or the employee may submit supporting medical evidence.

(5) When a reemployed disability annuitant is found recovered from disability, or restored to earning capacity, OPM shall discontinue the annuity from the date of its administrative finding, notify the agency of its determination, and instruct the agency to cease reducing pay by the amount of annuity allocable to the period of reemployment. If the appointment is subject to retirement deductions, OPM shall instruct the agency to commence retirement deductions.

(g) *Reinstatement of annuity.* (1) When a recovered disability annuitant is not reemployed in a position in which he/she is subject to Civil Service Retirement coverage, and based on the results of a current examination, OPM finds that the disability has recurred,

OPM shall reinstate the individual's disability annuity. The right to the reinstated annuity accrues from the date of the medical examination which demonstrated that the disability has recurred.

(2) When a disability annuitant whose earning capacity has been restored,

(i) Is not reemployed in a position in which he/she is subject to Civil Service Retirement coverage;

(ii) Has not recovered from the disability for which retired; and

(iii) Has again lost his/her earning capacity, as determined by OPM, before becoming 82 years of age;

OPM shall reinstate his/her disability annuity. A reinstated annuity is payable from January 1 of the year following the calendar year in which the earning capacity was lost. Earning capacity is deemed lost if during any calendar year the individual's income from wages and/or self-employment is less than 80 percent of the current rate of pay of the position from which he/she retired.

(3) A reinstated annuity shall be of the same type as the original annuity and will be paid at the rate last payable.

(4) The reinstatement of disability annuity terminates the right to any other annuity based on the same service, unless the annuitant makes a written election to receive the other annuity instead of the disability annuity.

(5) When an employee has a disability annuity reinstated, the agency shall offset the pay of the employee by the amount of annuity allocable to the period of reemployment, commencing with the date of the administrative determination of eligibility for reinstatement. Any retroactive payment of annuity for a period of employment prior to that date shall be reduced by the amount of pay earned during that period.

(5 U.S.C. 8337)

[FR Doc. 81-7891 Filed 3-12-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 296; Lemon Regulation 295, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons

that may be shipped to the fresh market during the period March 15-21, 1981, and increases the quantity of lemons that may be shipped during the period March 8-14, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 15, 1981, and the amendment is effective for the period March 8-14, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on March 10, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an

opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 910.596 is added as follows:

§ 910.596 Lemon Regulation 296.

The quantity of lemons grown in California and Arizona which may be handled during the period March 15, 1981, through March 21, 1981, is established at 260,000 cartons.

2. Section 910.595, Lemon Regulation 295 (46 FR 15493) is revised to read as follows:

§ 910.595 Lemon Regulation 295.

The quantity of lemons grown in California and Arizona which may be handled during the period March 8, 1981 through March 14, 1981, is established at 270,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-6063 Filed 3-12-81; 11:33 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts with Transportation Lines; Addition of Sun Land Air Lines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations of Immigration and Naturalization Service adds a carrier to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreement are published in the Service's regulations to advise the public.

EFFECTIVE DATE: February 9, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization Service entered into agreement with the following named carrier on the date indicated to guarantee the passage through the United States of aliens in immediate and continuous transit destined to foreign countries under section 238(d) of the Immigration and Nationality Act and 8 CFR 238: SUN LAND Air Lines, Inc.

Effective date: February 9, 1981.

This amendment to 8 CFR 238.3 is published pursuant to section 552 of Title 5 of the United States Code [80 Stat. 383], as amended by Pub. L. 93-502 [88 Stat. 1561], and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order merely adds a transportation line to the listing and is editorial in nature. The order constitutes a notice to the public and it is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, Chapter I of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, SUN LAND Air Lines, Inc.

(Secs. 103 and 238(d), 8 U.S.C. 1103 and 1228(d))

Dated: March 10, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-7047 Filed 3-12-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 81-6]

Assessment of Fees; Rules, Policies, and Procedures for Corporate Activities; Revision of Fee Schedule for Applications and Filings

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising its fee schedule for processing various types of corporate applications and filings to recover the associated expenses. Revision is required because of increasing costs which are now in excess of the income derived from present fees.

Increased fees are being adopted for applications to: (1) organize a national bank; (2) undergo a corporate reorganization by organizing an interim national bank; (3) organize a national bank limited to trust powers; (4) convert a state chartered bank to a national bank; (5) establish domestic branches and seasonal agencies; (6) acquire domestic operating subsidiaries; and (7) establish customer bank communication terminal (CBCT) branches. Fees for certain applications for which there currently are no charges are also adopted. These include applications to: (1) convert a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a federal branch or a federal agency; (2) change the location of a head office or domestic branch; (3) relocate a federal branch or federal agency of a foreign bank; (4) change a corporate title; and (5) establish a domestic operating subsidiary.

The new fees apply to filings received by the Office after December 31, 1980. However, payment of charges established by this schedule will not be due until May 1, 1981.

DATES: The effective date of this fee schedule is May 1, 1981, but applies to all filings received by the Office after December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1184

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency,

Washington, D.C. 20219, (202) 447-1880

SUPPLEMENTARY INFORMATION: The principal drafters of this document were Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, (202) 447-1184; and Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447-1880.

The Office is amending regulations governing fees levied on national banks and District of Columbia banks for processing various applications and filings. Those regulations were consolidated on October 15, 1980 (45 FR 68586) in 12 CFR Part 5, §§ 5.20(e), 5.21(e), 5.22(c), 5.24(a)(3), 5.25(c), 5.30(d), 5.31(d), 5.34(d), 5.40(d), 5.41(e), 5.42(c).

A Notice of Proposed Rulemaking on a new fee schedule was published on pages 85042-85045 of the *Federal Register* of December 24, 1980. Comments were invited for 60 days ending February 23, 1981, and were received from twenty-nine sources, including banks, attorneys and trade associations. As stated in the Notice of Proposed Rulemaking, the new fees are designed to reflect the total cost of processing the associated applications. The Office believes it is more equitable to place processing costs on parties filing applications than to spread those costs among all national banks, many of which would receive no direct benefit from the corporate application procedure. Further, fees are being set according to the typical cost of processing each type of application, so that each applicant, as nearly as possible, bears the costs incurred by the Office as a result of processing the application.

Higher fees are required at this time due to increases in Office expenses since 1970 when most filing fees were last revised. Those increases in expenses, as set forth in the Notice of Proposed Rulemaking, reflect salary increases, increased cost of goods and services purchased by the Office, and the loss in 1974 of rent-free space in government buildings. Consequently, in 1979 the cost of processing applications affected by this rule exceeded application fees collected by \$1,465,000. In 1980, the shortfall was \$1,968,000. If fees are not increased in 1981, the shortfall is expected to be \$2,334,000.

In calculating the proposed fees, the Office used as a starting point the projected aggregate cost for processing the associated applications in 1981. By applying the percentage of total time spent on each type of application during

the first six months of 1980 to the aggregate projected 1981 cost base, the aggregate projected 1981 cost of processing each type of application was calculated. The average cost of each application was then calculated by dividing the projected number of applications of each type in 1980 into the total 1981 projected cost of processing each type.

The Office has since recalculated the fees based on the data covering the entire year of 1980 and determined that the proposed fees are proper with the exception of the fee for additional Federal branches and Federal agencies of a foreign bank, and the fee for customer bank communication terminal (CBCT) branches. The Federal branch and Federal agency fee will remain at the current level of \$500, since it accurately reflects the cost to the Office of processing such applications and the proposed increase to \$3,000 was in error. The proposed fee for CBCTs is being reduced from \$900 to \$500 to reflect efficiencies in the Office's processing procedures anticipated in 1981.

The Office intends to review corporate fees annually to take into account all of the factors which may affect fees. Those factors include inflation, salary changes and changes in application processing which are expected to result from the Office's comprehensive review of its rules, policies, procedures and forms concerning applications and filings for structural changes and corporate activities. 45 FR 68586 (Oct. 15, 1980). The goals of this review are to provide clear statements of policy, minimize costs and burdens of compliance at all levels, eliminate inefficient forms and procedures, and remove unnecessary barriers to competition. In the event that new corporate filings are required, fees will be instituted to recover the costs of processing those filings.

The new fee schedule applies to corporate applications received by the office after December 31, 1980. The Office expects that by charging the new fees throughout 1981 it will avoid a deficit in this area for the year which would necessitate passing those costs along to all banks through the semiannual assessment.

The following summarizes the comments on this Office's proposal to increase corporate application fees and actions taken by the office as a result:

General Comments

Several commenters did not deal with specific fee increases but with the proposal to increase corporate application fees in general. One felt that it "would prevent many national banks

from taking the actions that they normally would take." However, that was the only letter to make that assertion. The writer cited no instances of increased fees affecting action banks planned to take and did not claim that the increased fees would prevent the bank which the commenter represented from filing necessary applications.

Several banks thought the fee increases should be coupled with changes in procedure to simplify application requirements and cut processing costs and time. The Office is currently undergoing a thorough review of all application procedures with the aim of simplifying them. If procedures are modified, the Office will examine the effect of such modification on its costs and revise fees, as appropriate.

Another commenter thought that the fee increases should not be used to support or defray expenses incurred by protesters or participants in proceedings arising out of filings with the Office. Those expenses will be undertaken by the Office in the small minority of cases where protesters can demonstrate true financial need. Since the Office has no source of income from which to pay those expenses, they must be recovered in some manner from the banking community. It is expected that they will be nominal.

A commenter representing a trade association believed that the fee schedule discriminates against small banks. That writer contended that the cost incurred in reviewing applications from small banks is less than that incurred in reviewing applications from larger banks. The Office has not found that to be the case.

Customer Bank Communication Terminal (CBCT) Fees

Twenty commenters questioned the need for an increase in the fee for processing applications for customer bank communication terminal (CBCT) branches from \$200 to \$900. Several commenters felt that the new fee would discourage small banks from establishing CBCTs, thus putting them at a competitive disadvantage against larger national banks and other types of depository institutions. Others thought that the CBCT applications should be simplified, thus ending the necessity for a fee increase, or reducing the amount of the increase.

Since the fee was proposed, the Office had begun evaluating its procedures in an effort to significantly reduce the amount of time and expense involved in deciding CBCT applications. It is anticipated that significant efficiencies in those procedures will be implemented

by July 1981. Presently, CBCT applications enjoy shorter filing, publication and comment periods than do applications for regular branches. Accordingly, the fee being adopted will be \$500 instead of the proposed \$900 fee. Further reduction of the fee is not possible at this time because the Office must presently continue to incur the expense of considering state law, the Community Reinvestment Act, Regulation E and the bank's ability to support the expansion.

Charter Fees

Four commenters believed that the proposed increase in fees to charter a national bank from \$2,500 to a maximum of \$13,000 is unjustified. The Office has reviewed its costs in connection with processing charter applications and has determined that the proposed new fee structure is appropriate. One commenter, a representative of a group applying for a national bank charter, felt that the increased charter fee should not be implemented until April 1, 1981, rather than January 1, 1981. However, the commenter did not believe that the new fee will "substantially discourage" applications that would otherwise have been filed. Consequently, the Office has decided, as stated in the Notice of Proposed Rulemaking, to apply the new fee to charter applications received after December 31, 1980.

Organization of an Interim National Bank

Three commenters believed that the proposed increase in fees for organization of an interim national bank from \$2,500 to \$6,500 is unjustified. However, interim banks are formed for purposes of corporate reorganization through merger of an existing bank into the interim bank. The present fee for two banks to merge is \$3,000. 12 CFR 5.33 (f). Consequently, the entire fee for the corporate reorganization, *i.e.*, the chartering of the interim bank and the merger, is currently \$5,500. The proposed \$6,500 fee includes both parts of the corporate reorganization—the chartering of the interim bank and the merger.

One commenter objected on the basis that the reorganization involves a mere "formalistic transfer of ownership." Another objected on the basis that the application procedure for reorganizations is undergoing review for purposes of simplification.

The Office has reviewed the proposed fee for a corporate reorganization and has determined that it does accurately reflect the cost to the Office of processing such applications. In the event that the review process is modified, the Office will examine the

effect of such modification on its costs and will revise fees, if appropriate.

The third commenter objected to the proposal believing that the fee for organizing an interim bank would be the same as for a new functioning bank. This is not the case. The fee to charter a new functioning bank is set at \$13,000. The fee for a corporate reorganization, which does not involve the establishment of a new functioning bank is set at \$6,500 and includes both the establishment of the interim bank and the subsequent merger.

Establishment of Domestic Branches and Seasonal Agencies

One comment was received on the Office's proposal to increase fees for establishment of domestic branches and seasonal agencies from \$500 to \$900. The commenter thought the increase was "justified."

In light of the above comments the Office finds no reason to change its proposed fees except as previously stated.

In addition to the fees specifically discussed above, the Office will establish fees as set forth in the Notice of Proposed Rulemaking for applications for conversions as set forth in 12 CFR 5.24(a)(3) and 5.25(c); establishment of domestic operating subsidiaries, as set forth in § 5.34(d); changes in location of head office or domestic branches as set forth in § 5.40(d); relocations of Federal branches or Federal agencies of a foreign bank as set forth in § 5.41(e); and changes of corporate title as set forth in § 5.42(c). No comments were specifically directed to those proposed changes.

For the reasons set out in the preamble, the Office amends Part 5 of Chapter I of Title 12 of the Code of Federal Regulations, as set forth below.

1. The authority citation for Part 5 reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. By revising § 5.5 to read as follows:

§ 5.5 Fees.

A filing fee must accompany certain filings before they will be accepted by the Office. Each section describing a particular filing indicates whether a filing fee is required and, if so, the amount of the fee. In addition, investigation fees may be charged at the rates established in 12 CFR Part 8 if the Office determines that special investigations or examinations are necessary to reach an informed decision. Fees must be paid by certified or cashier's check payable to the Office of the Comptroller of the Currency. The fees established in §§ 5.20(e), 5.21(e), 5.22(c), 5.24(a)(3), 5.25(c), 5.30(d), 5.31(d),

5.34(d), 5.40(d), 5.41(e), and 5.42(c) apply to applications received by the Office after December 31, 1980.

3. By revising § 5.20(e) to read as follows:

§ 5.20 Organization of a national bank.

* * * * *

(e) *Fees.* An initial filing fee of \$6,500 is required at the time of application for investigating, processing and deciding each "Application to Organize a National Bank." If preliminary approval is granted, an additional fee of \$6,500 is assessed to process the various organizational documents and to verify that all requirements for the granting of a charter have been fulfilled.

* * * * *

4. In the newly amended 12 CFR 5.21 that the Office published elsewhere in this issue of the *Federal Register*, (Docket No. 81-8) paragraph (e) is revised to read as follows:

§ 5.21 Organization of an interim national bank.

* * * * *

(e) *Fee.* A filing fee of \$6,500 is required at the time of application for investigating, processing, and deciding each application. No further charges will be made for the subsequent merger or consolidation.

* * * * *

5. By revising § 5.22(c) to read as follows:

§ 5.22 Organization of a national bank limited to trust powers.

* * * * *

(c) *Fees.* An initial filing fee of \$6,500 is required at the time of application for investigating, processing and deciding each application. If preliminary approval is granted, an additional fee of \$6,500 is assessed to process the various organizational documents and to verify that all requirements for the granting of the charter have been fulfilled.

* * * * *

6. By revising § 5.24(a)(3) to read as follows:

§ 5.24 Conversion.

(a) * * *

(3) *Fees.* An initial filing fee of \$2,500 is required at the time of application. An investigation and/or examination will normally be conducted and the applicant will be charged in accordance with 12 CFR 8.6.

* * * * *

7. By revising § 5.25(c) to read as follows:

§ 5.25 Application for conversion of a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a Federal branch or a Federal agency.

(c) *Fees.* An initial filing fee of \$2,500 is required at the time of application. An investigation and/or examination will normally be conducted and the applicant will be charged in accordance with 12 CFR 8.6.

8. By revising § 5.30(d) to read as follows:

§ 5.30 Establishment of domestic branches and seasonal agencies.

(d) *Fee.* A filing fee of \$900 is required at the time of application for processing each application.

9. By revising § 5.31(d) to read as follows:

§ 5.31 Establishment of customer bank communication terminal (CBCT) branches.

(d) *Fee.* A filing fee of \$500 is required at the time of application for processing each application.

10. By revising § 5.34(d) to read as follows:

§ 5.34 Domestic operating subsidiaries.

(d) *Fees.* An initial filing fee of \$150 is required at the time of application for processing an application to establish or acquire a domestic operating subsidiary. The cost of any examination into the condition of an operating subsidiary proposed to be acquired shall be paid by the applicant in accordance with 12 CFR 8.6.

11. By revising § 5.40(d) to read as follows:

§ 5.40 Change in location of a head office or domestic branch.

(d) *Fee.* A filing fee of \$500 is required at the time of application for processing each application.

12. By revising § 5.41(e) to read as follows:

§ 5.41 Relocation of a Federal branch or Federal agency of a foreign bank.

(e) *Fee.* A filing fee of \$500 is required at the time of application for processing an application.

13. By revising § 5.42(c) to read as follows:

§ 5.42 Change of corporate title.

(c) *Fee.* A filing fee of \$500 is required at the time of application for processing an application.

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-8007 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

12 CFR Part 5

[Docket No. 81-7]

Rules, Policies and Procedures for Corporate Activities; Written Comments and Hearings on Applications

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is adopting a final rule governing public participation, through written comments and hearings, in its processing of applications for structural and corporate activities. The rule sought to: (1) improve the quality of information presented orally and in writing; (2) eliminate any unnecessary costs or delays in the decision making process; and, (3) facilitate the receipt of information from members of the public.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division (BOSD), Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Telephone (202) 447-1184. Further information may also be obtained from any of the 14 Regional Directors for Corporate Activities in the offices of the Regional Administrators of National Banks.

SUPPLEMENTARY INFORMATION: The staffs of the Bank Organization and Structure Division and Regulations Analysis Division contributed significantly to the drafting of this document.

Background

On October 15, 1980, the Office proposed a revision to its rule governing written comments and hearings on applications (12 CFR 5.10 and 5.11) by national banks for structural and corporate activities. Hearings are not required by any federal statute and are

totally discretionary on the part of the Office. The Office holds a hearing on an application, upon request or on its own motion, whenever a hearing appears necessary to obtain facts in reaching a decision. Such hearings are not adversary proceedings. They are informal and fact-gathering in nature and are not subject to the Administrative Procedure Act hearing procedures found in 12 CFR 19.

The proposed rule specified that: (1) a request for a hearing must explain why an oral presentation, rather than submission of written comments, is necessary; (2) a request for a hearing must state the nature of the issues or facts to be presented; (3) persons requesting a hearing may request that it be held at a particular time and location; (4) persons requesting a hearing may ask that the costs of the hearing be paid by the Office; and, (5) references to "protestants" in the prior rule be replaced with "interested persons."

Request for Comments

The proposed rulemaking was published on pages 68611-12 of the *Federal Register* on October 15, 1980, and comments were invited for 60 days, ending December 15, 1980. Comments were received from over 30 sources including consultants, attorneys, independent national banks, bank holding companies, banking trade associations, public interest groups and Office personnel.

General Support for Proposal

Most of the comment letters received expressed support for the proposed requirement that requests for hearings explain both the nature of the issue or the facts to be presented and why an oral presentation is necessary. Some writers felt only a minimal showing should be necessary to support a request for an oral hearing; others felt that a hearing should be held only rarely and that written submissions would be adequate in most instances.

Requests for Specific Time and Place

In general, those commenting on this aspect of the proposed rule felt there was potential for abuse in allowing parties to request a location and time of their choice for a hearing. Since the Regional Administrator will have the needs of all interested parties in mind when considering such requests, the potential for abuse is considered quite small. Accordingly, other than some language changes to clarify the Office's intent, there were no changes in this provision of the rule.

Waiver of Costs

There was a similar concern for the provision in the proposed rule allowing for a waiver of certain hearing costs upon a showing of need by those requesting the hearing. Again, judgment will be exercised by the Regional Administrator in granting requests for a waiver of costs and it is not intended or expected that the Office, applicants, or other national banks will have to bear a substantial financial burden. Language changes in this provision were made to clarify that the hearing expenses which can be waived include only the cost of two transcripts for the Office, one transcript for use by the person(s) requesting the waiver, and the hearing room. In addition, the language was changed to clarify that the person(s) requesting a waiver of costs must submit a showing of financial need in addition to stating why such waiver is necessary or appropriate.

Comment Period

Only two comments were received on the length of the period (21 days) for filing a protest, hearing request or other comments following publication of the legal notice of an application. One writer expressed the view that this period is too brief, the other that it is too long. No changes were made in the length of the period for comment.

Language Changes

Several paragraphs in the final rule contain changes in language. The language changes are not intended to affect the substance of the proposed rule.

Accordingly, for the reasons set forth in this preamble, §§ 5.10 and 5.11 are revised as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. Section 1 *et seq.* and 93a.

2. Sections 5.10 and 5.11 of 12 CFR Part 5 are revised to read as follows:

§ 5.10 Written comments and requests for a hearing.

(a) *Written Comments.* Within 21 days after the last notice by publication required by § 5.8(a) or an applicable statute, any person may submit to the Regional Administrator written comments and data on an application. The 21-day period may be extended by the Regional Administrator if in the judgment of the Regional Administrator, the applicant has failed to file all required supporting data in time to permit review by interested persons, or if such other extenuating circumstances, as the Regional Administrator may determine extenuating, occur.

(b) *Requests for a Hearing.* (1) Within 21 days after the last notice by publication required by § 5.8(a) or an applicable statute, any person may submit to the Regional Administrator a written request for a hearing on an application. The 21-day period may be extended by the Regional Administrator if, in the judgment of the Regional Administrator, the applicant has failed to file all required supporting data in time to permit review by interested persons, or if such other extenuating circumstances, as the Regional Administrator may determine extenuating, occur.

(2) The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the Office. If the reasons are related to factual disputes, the disputes shall be described. Hearings are not forums for legal arguments. Comments challenging the legality of an application should be submitted separately in writing.

(3) Written requests for hearings as well as requests for another location or time and requests for waiver of hearing-related costs shall be evaluated by the Regional Administrator, who may grant or deny such requests in whole or in part (or may refer the request to the Washington Office for decision). A hearing request shall generally be granted only if it is determined that written submissions would be inadequate or that a hearing would otherwise be beneficial to the decision making process. A hearing may be limited to issues considered material by the Office.

(4) When a hearing is granted it shall ordinarily be conducted during normal business hours in the city where the Office of the Regional Administrator is located. However, if the person requesting a hearing requests another location, or time of day other than normal working hours, the written request for the hearing shall state the desired location and/or time of day and the reasons such alternatives are necessary and/or appropriate.

(5) A transcript of each hearing is arranged for by the Office. The cost of one copy of the transcript for use by the person(s) requesting the hearing, two copies of the transcript for the Office, and the cost of a hearing room are generally borne by the person(s) requesting and being granted the hearing. If a person requesting a hearing desires a waiver of these costs, the written request for the hearing shall state the reasons such waiver is necessary or appropriate and must

include a showing of financial need. When a waiver is granted, the costs of the two transcripts for the Office and the one transcript for use by the person(s) requesting the waiver, as well as the costs of the hearing room, generally shall be borne by the Office.

(c) *Action on Requests for Hearings.* If a request for a hearing has been made and denied, the Regional Administrator shall notify the applicant and all interested persons and shall state the reasons for the denial. Interested persons may submit to the Regional Administrator, with simultaneous copies to the applicant, additional written comments or data on the application within 14 days after the date of the notice of denial. Copies of such written submissions or data shall simultaneously be sent by such interested persons to the applicant. The applicant shall be provided an additional seven days, after the 14-day deadline has expired, within which to respond to any comments submitted within the 14-day period. The Regional Administrator may waive this seven day period if so requested by the applicant. A copy of any response submitted by the applicant shall also be mailed simultaneously by the applicant to the interested persons.

§ 5.11 Hearings.

(a) *Notice of Hearing.* When a request for a hearing made in accordance with § 5.10 is granted, or when a hearing is ordered because the Office believes that it is in the public interest, the Regional Administrator shall issue a Notice of Hearing. This Notice of Hearing shall:

(1) Set forth the subject matter of the application and the date, time and place where the hearing shall be held, and, if applicable, the issues which shall be addressed at the hearing;

(2) Be sent to the applicant and to the person(s) requesting the hearing or who made written comments to the Regional Administrator, and to any other person(s) the Regional Administrator believes would be likely to provide useful information at the hearing.

(b) *Date of Hearing.* A hearing shall be held as soon as practicable after granted or ordered, but generally not sooner than 30 days from the close of the 21-day comment period described in § 5.10(a).

(c) *Participation in Hearings.* Each person who wishes to be heard must notify the Regional Administrator within 10 days after the date of the Notice of Hearing of his or her intention to participate in the hearing. The Regional Administrator shall determine which persons may participate in the hearing.

Each such person shall be known as a "participant" in connection with the hearing rules. Participants shall submit to the Regional Administrator, applicant, and such other person(s) as the Regional Administrator may require, the number and names of witnesses and a copy of each exhibit he or she wishes to present. Such information shall be received by the Regional Administrator, applicant, and participants at least five days prior to the hearing.

(d) *Presiding Officer.* The Office shall designate the presiding officer at a hearing who will have the authority to appoint a panel of assistants. The presiding officer shall determine all procedural questions not governed by this section and shall have the authority to limit the number of witnesses and to impose such time limitations as he or she deems reasonable.

(e) *Hearing Rules. (1) Presentations.* The applicant and participants shall each be permitted to make an opening statement, stating concisely what information they will present. The applicant and participants may then present witnesses, materials and data. Questions may be addressed to the applicants, participants and witnesses after each of their presentations by any member of the hearing panel, applicant or participant. The applicant and participants shall then concisely summarize their positions.

(2) *Witnesses.* The presence of witnesses is the responsibility of the applicant and participants. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by the applicant, participants, or any member of the panel. The refusal of a witness to answer questions may be considered by the Office in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(3) *Information Submitted.* The presiding officer shall have the authority to exclude materials or data which he or she deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation and filing. Two copies of all documentary materials must be furnished to the Office and one copy to the applicant and each participant. While large exhibits may be used during the hearing, copies of such exhibits must be provided in reduced size for submission as part of the record.

(f) *Closing the Public File.* If requested by the applicant or a participant, the hearing record shall remain open for 14 days following receipt of the transcript

by the Regional Administrator, during which time the applicant and participants may submit additional written statements. A copy of any statement submitted during this period of time shall also be sent simultaneously to the parties to the hearing. These statements, the hearing transcript, and documentary material presented at the hearing shall automatically be deemed a part of the public file. The public file shall close on the date the hearing record closes, after which date the Office shall complete the processing of the application.

(g) *Forms to be used by the Office:*
CC 7029-01: Regional Office
Procedures—Public Hearings
CC 7029-02: Notice of Hearing
CC 7029-11: Protest Sheet

Dated: March 9, 1981.

John G. Heimann,
Comptroller of the Currency.

[FR Doc. 81-8008 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

12 CFR Part 5

[Docket No. 81-8]

Rules, Policies, and Procedures for Corporate Activities: Organization of an "Interim National Bank"; Delegated Authority

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is adopting a rule to eliminate unnecessary duplication and delay in charter applications filed solely to facilitate bank holding company acquisitions or reorganizations.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: James V. Elliott, Director, Bank Organization and Structure Division (BOSD), Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Telephone (202) 447-1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The primary draftsman of this document is James V. Elliott, Director, BOSD. Several other persons contributed to the draft.

Background

On October 15, 1980, the Office proposed at 45 FR 68612 a revised rule (12 CFR 5.21) to eliminate duplication

and delay in charter applications filed solely to facilitate the creation of a new bank holding company or the acquisition of 100 percent of the outstanding voting shares of an existing bank.

The statutory framework for national bank mergers and acquisitions was established prior to the expansion of bank holding companies. These statutes (12 U.S.C. Sections 181, 214a, 215, 215a and 1828(c)) generally provide only for mergers between two banks or an acquisition of a bank by another bank. Thus, if a bank desires to reorganize into a one-bank holding company structure, or if an existing bank holding company and an independent bank desire to have the bank become a subsidiary national bank of the bank holding company, only two avenues are available:

1. The holding company may make an exchange or tender offer for all of the outstanding bank stock. In practice, however, it is extremely difficult to obtain 100 percent acceptance of such an offer, and the desired result, a wholly-owned subsidiary bank, is unattainable.

2. A new bank subsidiary of the holding company can be created, and the new bank and the existing bank can merge or consolidate. The new bank, in such cases, does not engage in the business of banking until it becomes the surviving bank after the merger or consolidation. Thus, the new bank is known as an "interim bank," because it exists as a non-operating shell during the interim between its chartering and the effective date of the merger or consolidation.

Under current rules, the interim bank charter application and the subsequent merger or consolidation application are each subject to full processing requirements as if they were totally independent events. Many procedures are either duplicated or occur consecutively. Adoption of the proposal is expected to eliminate these duplications and delays.

Request for Comments

The proposed rulemaking was published on pages 68612-68614 of the *Federal Register* of October 15, 1980, and comments were invited for 60 days ending December 15, 1980. Comments were received from over 30 sources including consultants, attorneys, independent national banks, bank holding companies, banking associations and OCC personnel. The following summarizes the comments, suggestions and action taken.

Broad Support for Proposal

Considerable support was expressed for the proposal for chartering an interim national bank. Specifically, support was given to the provisions for prompt preliminary approval of the interim application, with substantive review of the proposed transaction when the merger application is considered; delegated authority to the Regional Administrator to grant preliminary approval of the interim application; and concurrent public comment and notice periods.

This final rule is substantially the same as the proposed rule. However, the following changes were made to reflect the suggestions received in response to the request for comments.

Waiver of the Pre-Filing Meeting

Many bank holding companies participate frequently in the formation of interim national banks. It was suggested that, with this prior experience, the pre-filing meeting could become a delaying factor as well as a mere formality and should be waived. Accordingly, provision has been made in § 5.21(d) for the pre-filing meeting to be waived on request at the discretion of the Regional Administrator, his or her delegate, or a superior official.

Delegation to Regional Administrator

Support was expressed for the delegation of authority to the Regional Administrator to approve all interim bank applications promptly. However, it was noted that, since no substantive review of the proposal would occur at the time of the interim bank application, those transactions involving banks with supervisory concerns would not be thoroughly analyzed until after considerable time had elapsed and expense had been incurred. Accordingly, the final rule is written to delegate authority to the Regional Administrator to approve promptly, without substantive analysis, interim bank applications filed by banks which are not the subject of special supervisory concerns or otherwise identified by the Regional Administrator or Washington Office as requiring Washington review. Paragraph (h) of § 5.21 is being amended and a paragraph is being added to the general delegations at § 5.3(c)(5) to reflect this change in delegations. In this way, the proposals of banks receiving special supervisory attention will be initially analyzed at the interim bank filing stage, thus eliminating an unnecessary merger filing when supervisory concerns result in disapproval of the interim bank application.

The final rule also now includes, at paragraph (h), the procedures followed when the Regional Administrator recommends that an interim bank application be disapproved. The application is forwarded to the Comptroller with the Regional Administrator's recommendation for decision by the Comptroller or delegate.

Issues not Addressed

Several issues raised in the letters of comment have not been addressed in the rule adopted today. Most of the suggestions pertaining to information requirements which are part of the application process are reflected in the revised interim bank forms and procedures, rather than in the rule itself. Similarly, the dissenting shareholders' appraisal rights and procedures are being considered as a separate issue; revised procedures are now being developed and will be announced in due course.

Several writers suggested that the process could be made even more efficient if the interim national bank application and merger application were filed at the same time. We recognize that such concurrent filing would save time. However, the national banking laws provide that a merger agreement can be entered into only by incorporated banks. The interim bank does not become a body corporate until acceptance by the Office of the Articles of Association, which follows preliminary approval of the interim bank application. Therefore, the process must contain two phases: filing of the interim bank application, and filing of a merger application executed by the incorporated interim bank and the existing principal bank.

Finally, several commenters wrote that there should be no filing fee for interim bank applications as no substantive review takes place at this stage. The fees for all corporate filings are subject to change pursuant to a proposal published December 24, 1980, in the *Federal Register* (45 FR 85042). Today the Office finalized its combined fee of \$6,500 for processing the interim national bank application and the subsequent merger or consolidation application. (See 81-8 published in this issue.) Although little substantive analysis will take place on most interim bank applications prior to granting preliminary approval, the costs of processing the application are nonetheless real. In addition, the increased fee reflects substantive processing of the interim bank through the merger application process.

For the reasons set forth in the preamble, Part 5 of Title 12, Code of

Federal Regulations, is amended as set forth below:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. Section 1 *et seq.*

2. 12 CFR Section 5.21 is revised with the exception of paragraph (e), which is revised in OCC Docket No. 81-6 published elsewhere in this issue of the *Federal Register*. As revised, paragraphs (a) through (d) and (f) through (k) of § 5.21 read as follows:

§ 5.21 Organization of an Interim National Bank.

(a) *Scope: Interim National Bank Defined.* This section applies to applications to organize an interim national bank. An interim national bank is a new national bank which is organized solely to facilitate the creation of a bank holding company or the acquisition of 100 percent of the voting shares of an existing bank. It is always part of a proposed two-step process wherein the interim national bank, prior to commencing business, will be a party to a merger or consolidation with an existing bank.

(b) *Authority.* 12 U.S.C. Sections 1, 21, 22, 26, 27, 92a, 93a, 214, 215, 215a, 1814(b), 1816 and 1828(c).

(c) *Rules of General Applicability.* Sections 5.8(a), 5.10, and 5.11 do not apply to applications to organize an interim national bank. The application for an interim national bank and the subsequent merger or consolidation application will be melded into a single process requiring, after the filing of the subsequent merger or consolidation application, one opportunity for public comment after notice is published by the applicant and one substantive review by the Office (*see* § 5.33).

(d) *Pre-filing Meeting.* The proposed organizers of a national bank should schedule a meeting with the Regional Administrator in the region where the application will be filed, prior to submitting an application for filing. The purpose of the meeting is to discuss the proposal and the Office rules, policies, and procedures, including means to combine many procedural and processing requirements. Applicants will be furnished forms and documents which should be filed with the application. The pre-filing meeting may be waived by the Regional Administrator, his or her delegate or a superior official.

(f) *Investigation.* Generally, no investigation of the interim bank application will be conducted. However, the Regional Office generally will

perform an investigation after the filing of the merger or consolidation application. An additional investigation fee, in accordance with Part 8, will not be charged except in unusual circumstances as determined by the Regional Administrator, his or her delegate or a superior official.

(g) *Decisions.* Preliminary approval of all interim national banks will be specifically conditioned on approval of the subsequent merger or consolidation. This preliminary approval will be rescinded automatically if the merger or consolidation is not approved or if subsequent approval for establishment of a holding company or for acquisition of the interim bank by the holding company is not received within 12 months, unless an extension has been requested and granted. If the merger or consolidation application is not filed within six months of preliminary approval of the interim national bank, that preliminary approval automatically will be withdrawn unless an extension has been requested and granted.

(h) *Delegated Authority to Grant Preliminary Approval.* Each Regional Administrator has been delegated authority to grant preliminary approval of, but not to disapprove, applications to charter interim national banks if the criteria listed at § 5.3(c)(5) are met. If any of the criteria are not met, or the Regional Administrator recommends disapproval, the application must be forwarded to the Washington Office for final decision.

(i) *Subsequent Merger or Consolidation.* When the interim national bank's duly executed Articles of Association and organization certificate are filed with and accepted by the Regional Office, the interim national bank becomes a body corporate, and may then legally enter into the merger or consolidation agreement. Only after these steps are completed can the application to merge or consolidate the interim and existing banks be filed and processed.

(j) *Consummation.* Prior to consummating the merger or consolidation, all steps necessary to perfect the organization of a national bank must be completed.

(k) *Forms.*

(1) *Forms to be used by Applicant:* (Reserved)

(2) *Forms to be used by Office:*

CC 7020-06: Confidential Memorandum to the Comptroller of the Currency—Application to Organize an Interim National Bank.

CC 7020-08: Regional Office Procedures—Interim National Bank Applications.

CC 7020-11: Washington Office Procedures—Interim National Bank Applications.

3. 12 CFR 5.3 is amended by adding a new subparagraph (5) to the end of paragraph (c) as follows:

§ 5.3 Corporate activities processing and delegations.

(c) * * *

(5) Each Regional Administrator is authorized to preliminarily approve (but not to disapprove) applications to charter interim national banks if all of the following criteria are met:

(i) The bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Departments/Divisions as a bank requiring their review and comment;

(ii) The Regional Administrator has not noted any significant matters that would make a review by the Washington Office desirable; and

(iii) Any additional requirements imposed by § 5.21 of this Part have been satisfied.

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-8009 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

12 CFR Part 8

[Docket No. 81-9]

Assessment of Fees; National Banks; District of Columbia Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising its trust examination fees to recover direct expenses and overhead expenses, as mandated by statute. Fees have been unchanged since 1969. Revision is necessitated by increased Office expenses for trust examinations, which are most properly recovered from banks subject to these specialized examinations.

DATES: The new fee applies to trust examinations commenced after December 31, 1980. However, fees owed under this new fee schedule are not due until May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Office of the

Comptroller of the Currency, Washington, D.C. 20219,

(202) 447-1825, or

Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219,

(202) 447-1880.

SUPPLEMENTARY INFORMATION: The principal drafters of this document are David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Office of the Comptroller of the Currency, (202) 447-1825, and Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, (202) 447-1880.

The Office is amending the portion of 12 CFR Part 8 governing assessments for trust examinations of national banks, District of Columbia banks and trust companies, and Federal branches or agencies engaged solely in trust activities, and other entities for which the Office performs trust examinations. Authority for the Office to assess trust examination fees is based upon 12 U.S.C. 482 and 26 DC Code 102.

Assessment of fees assuring coverage of all trust examination costs is required by statute. Title 12 U.S.C. 482 provides in pertinent part:

[A]ll national banks exercising fiduciary powers and all banks or trust companies in the District of Columbia exercising fiduciary powers shall be assessed by the Comptroller of the Currency for the examination of their fiduciary activities a fee adequate to cover the expense thereof.

A Notice of Proposed Rulemaking on revision of trust examination fees was published on pages 85045-85048 of the *Federal Register* of December 24, 1980. A clarification was published on page 3237 of the *Federal Register* of January 14, 1981. Comments were received from forty-two sources, including national banks and trade associations.

Need for Increased Fees

Revision is necessary to assure continued compliance with 12 U.S.C. 482, set forth above. The increase in the fee is proposed at this time because the cost of trust examinations, if the fee schedule is unchanged, is expected to exceed trust examination revenues by \$4.9 million in 1981. Fees have been unchanged since 1969. The deficit is caused by three significant factors: (1) increasing salaries since 1969 and the increasing number of trust examiners needed to perform more complex trust examinations; (2) the loss in 1974 by the Office of rent free space in government office buildings, and (3) higher costs to the Office due to increases in the price

of goods and services caused by inflation. To avoid this shortfall, the Office will assess the 1,700 national banks and other entities with active trust departments for the total direct and overhead expenses of trust examinations. This will avoid the need to spread overhead costs properly attributable to trust examinations among all 4,446 national banks and District of Columbia banks, including those which do not exercise trust powers.

As proposed, the new fee applies to trust examinations begun after December 31, 1980, to enable the Office to avoid a deficit in this area for 1981 which would necessitate having to pass through those costs to all national banks through the semiannual assessment. Fees for trust examinations begun since December 31, 1980, and completed prior to May 1, 1981, will be due May 1, 1981. Banks undergoing subsequent examinations will be billed after the completion of the examination.

The following summarizes the comments on the Office's proposal to increase trust examination fees and the Office's response.

General Comments

Many of the 42 comment letters discussed the practice of billing according to the amount of on-site and off-site time spent by trust examiners in the conduct of the examination, the definition of billable time, and the methods and procedures used in scheduling and conducting trust examinations.

The Office, at this time, is not proposing to change practices currently in effect. However, the Office seeks new ideas which might lead to increased efficiency and better implementation of its statutory responsibilities. The comments containing such ideas are welcome and the Trust Examinations Division is reviewing them.

One point, however, regarding what constitutes billable hours needs clarification because of a misunderstanding by several commenters. Hours spent by examiners on travel time do not constitute billable hours. Charges levied are based only on hours spent by examiners at the bank and on the number of hours spent by examiners working on the examination report while outside of the bank. No change in this policy has been instituted.

Size of Increase

Numerous commenters focused on the size of the proposed increase. Several complimented the Office for basing the fees on the cost of the examination. Several others thought that the proposed

fee is reasonable and is justified by the facts presented in the Notice of Proposed Rulemaking.

Most, however, were critical of the size of the increase and suggested methods to hold the increase down or delay its effectiveness. Four commenters suggested that it be phased in over a period of up to five years. The Office had considered, but rejected that possibility prior to publishing its Notice of Proposed Rulemaking because of the large deficits incurred by the Office's trust division. As stated, if fees are not increased, the 1981 deficit is projected to be about \$4.9 million. To delay full implementation of the fee schedule would not be consistent with the statutory requirement that banks exercising fiduciary power shall be assessed a fee adequate to cover the cost of their examination, as required by 12 U.S.C. 482, and would force all banks, through the semiannual assessment, to provide a multimillion dollar annual subsidy to banks with trust departments.

None of the comments suggesting the phase-in of the fees presented arguments showing a need to delay full implementation of the schedule. As one commenter wrote, "... * * such an approach [delayed implementation] would be a benefit to those of us in the field who are under the dual constraints of budget and profitability goals." However, this does not justify shifting part of that burden to other banks, which do not have trust departments, but have their own budget and profitability goals.

Five banks questioned the Office's statutory authority to assess trust departments for not only the direct, but the indirect or overhead costs of examinations. Those overhead costs, as set forth in the Notice of Proposed Rulemaking, include supervision of trust examiners and the portion of expenses incurred for operations and administrative functions in Washington D.C. and the regions, and the portion of rent in Washington, D.C., attributable to the trust examination functions of the Office. The statutory history of 12 U.S.C. 482 makes clear that the Office has authority to charge for overhead expenses. *S. Rep. No. 400, 84th Cong. (1956); H.R. Rep. No. 1816, 84th Cong. (1956). See also 102 Cong. Rec., 6549 (April 18, 1956) (remarks of Rep. Brown).* Consequently, the Office, as proposed, will recover its overhead expenses attributable to its trust functions through its trust assessment.

Three commenters thought that well-run trust departments should be charged a reduced fee. The Office believes that basing the total charge on the number of

hours required to conduct an examination results in a smaller fee for a well-run trust department than for a similarly sized trust department that is not well run. One commenter suggested that increasing complexity of trust examinations, one of the reasons cited by the Office in the Notice of Proposed Rulemaking for the increase, was largely caused by this Office. However, as the Notice made clear, much of the complexity has resulted from enactment by Congress of various statutes including the Employee Retirement Income Security Act in 1974, the Securities Acts Amendments of 1975, and various consumer laws in the 1970s. Another commenter suggested that increased costs of trust examinations resulting from new laws should be paid from "general revenues."

The Office has no "general revenues." Trust examination costs are paid through trust fees; corporate application costs are paid through application and related fees; and costs associated with maintaining the safety and soundness of the national banking system through the general examination process and other supervisory activities are paid through the semiannual assessment. Another commenter thought that overhead expenses related to trust examinations should be recovered from general tax revenue. As stated, the Office receives no such revenue.

Effect on Small Banks

Five commenters were concerned with the effect that the increasing costs could have on the profitability of small banks. However, considering the small number of comments on the issue and the failure of any of those that were received to indicate that the fees would force them to seriously reconsider providing trust services, the Office perceives no reason to attempt to fashion a fee structure in derogation of the statutory mandate regarding the assessment of fees.

A commenter representing a small bank thought the new fee would lead to the assignment of lesser experienced personnel to perform examinations in small banks. No such change in policy regarding assignment of personnel is contemplated.

Flat Fee

Seventeen commenters opposed the change by the Office from a two-level fee structure to a flat fee. The present structure sets a fee for the examiner-in-charge and a lesser fee for assisting examiners. The proposed fee is a flat rate for every examiner.

Many commenters questioned whether a less experienced examiner should be billed at the same rate as an examiner with several years of experience. Some thought the fee should be based on each examiner's salary increased by a factor to cover the Office's overhead expenses. Some thought the fee should vary according to the experience of the examiner.

There are two problems with either approach. First, those approaches assume that an examiner's speed varies with that individual's experience or salary level. If this assumption is incorrect, then high hourly fees would not be offset by reduced hours. Experience, thoroughness and competence do not necessarily translate into speed. Further, since the rule now being adopted by the Office relates overhead costs to direct costs, those proposals assume that a more highly paid examiner utilizes more in the way of overhead costs per hour than a lower paid examiner. This is not a supportable assumption.

Further, the end result of suggestions proposed by the commenters and the Office are the same. The Office must recover its expenses from examinations. In forming examination teams, a mix of different levels of experience is usually sought to assure that newer examiners receive essential experience while each examination is conducted under proper supervision. If fees for less experienced examiners were reduced, fees for more experienced examiners would have to rise to enable the Office to recover all trust examination expenses through trust examination fees. Further, variance in fees among examiners could have an unnecessarily harsh impact on banks with small trust departments requiring examination by only one or two examiners. While one commenter representing a small bank thought that less experienced examiners could be assigned to examine that bank's trust department at a smaller hourly fee, the Office believes that at least one experienced examiner generally is required at an examination. This results in a higher proportion of less experienced examiners conducting examinations of small trust departments. Consequently, the average hourly fee for small banks would be significantly larger than for a large trust department with a greater proportion of less experienced examiners conducting the examination. The small bank paying the greater hourly fee will have no assurance that it would be offset by a reduction in the amount of time necessary to conduct the examination.

Another commenter suggested that the Office establish a "retainer" for each trust department to include all normal and expected charges for a given year, based on the size and complexity of a client's needs. However, the task of establishing a retainer with more than 1,700 banks on an individual basis would increase administrative time and expense and hence, trust examination fees.

The Office recognizes that the contribution of new examiners is below that of more experienced personnel. Consequently, the Office has decided to waive the charge for time spent by examiners with under six months of experience. As is the current practice, no charge will be assessed for time spent by examiners hired on a temporary basis.

Retroactivity

Three commenters opposed the Office's proposal to apply the new schedule to all trust examinations begun after December 31, 1980. One of the commenters stated without elaboration that this would work a hardship on banks which had already established budgets for 1981. The other two commenters gave no reason for their position. The only other commenter to address the question of the effective date supported the action proposed by the Office.

Based on the comments the Office believes there is no reason to alter its proposal. A January 1, 1981, effective date is necessary to avoid major trust-related shortfalls to the Office in 1981. Announcement of the proposal was not made until December 24, 1981, in order that the Office could calculate its fees based on the latest available data. Further, as demonstrated in the Notice of Proposed Rulemaking, future annual changes in fees should not be drastic and banks are now on notice that they may occur annually, if needed. Thus, banks may take such a possibility into consideration when planning their future budgets.

Rebates/Surcharges

As stated in the Notice of Proposed Rulemaking, the proposed hourly fee is based on projections. Consequently, there is not absolute certainty that the hourly fee will equal hourly expenses. In anticipation of such variations, the Notice requested comments on whether compensation should be made for deviations through surcharges or rebates when actual expenses are known. Only two commenters responded to this question and both opposed the suggestion. The Office has decided not to provide for rebates or surcharges.

For the reasons set out in the preamble, Part 8 of Chapter I of Title 12 of the Code of Federal Regulations is revised as set forth below:

1. The authority citation for Part 8 is amended as set forth below:

Authority: R.S. 5240, as amended, 12 U.S.C. 482, 12 U.S.C. 3103, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7 is revised to read as follows:

§ 8.7 Hourly rate for trust examinations.

(a) The assessment contained in this subpart is made pursuant to authority contained in R.S. 5240, as amended, 12 U.S.C. 482 and in section 3, 47 Stat. 1566, 26 D.C. Code 102. Those statutes provide that the Comptroller assess fees adequate to cover the cost of each trust examination.

(b) To assure continued compliance with the statutory requirement, national banks and other entities with trust departments examined by this Office are assessed a fee which recovers the total direct and overhead expenses of the examination. This fee will be reviewed annually according to the method set forth in paragraph (d) of this section to determine whether changes in such expenses require a revision of the fee.

(c) The hourly fee for trust examinations commenced after December 31, 1980, is \$32.44. The total fee for a trust examination is the hourly fee multiplied by the number of hours examiners spend at the bank and the number of hours spent by examiners working on the examination report while outside of the bank. The Office will waive the fee for time spent by examiners with less than six months of experience and for those hired on a temporary basis.

(d) The hourly rate set forth in paragraph (c) of this section represents the total expenses of conducting trust examinations as set forth in the budget for the year in which the hourly fee is applicable, divided by the projected number of billable hours for that year.

(1) Total expenses of trust examinations include direct expenses and overhead expenses.

(i) Direct expenses of the examination include travel expenses and trust examiner's salaries and benefits.

(ii) Overhead expenses include:

(A) Regional office overhead expenses related to trust examinations. Those are calculated by determining the ratio of the number of field trust examiners to total field examiners and applying it to total budgeted Regional office overhead expenses.

(B) Expenses of Washington, D.C. operations and administrative functions which are related to trust examinations. Those are calculated by determining the ratio of the number of trust positions to total Office positions and applying it to administrative expenses budgeted for the operations and administrative units under the supervision of the Senior Deputy Comptroller for Operations.

(C) Expenses budgeted for the Washington Office Trust Examination Division, which supervises the field examination and 50 percent of the expenses budgeted for the Deputy Comptroller for Specialized Examinations, who supervises the Washington Office Trust Examination Division, among other functions.

(D) Rental expenses for the Washington Office related to trust examinations. Those are determined by calculating the ratio of Washington Office trust personnel to total Washington Office personnel and applying the ratio to total budgeted Washington rent.

(2) Projected number of billable hours is the total number of hours projected to be spent by trust department examiners in connection with examinations during the year for which the hourly fee is being set. That is determined by adjusting the number of hours worked in the previous year according to the average annual change in billable hours since 1976. This growth rate will be reviewed annually to take into account current trends.

Dated: March 9, 1981.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 81-0010 Filed 3-12-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 21022; Amdt. No. 91-175]

Use of FDC Notices to Airmen To Communicate Emergency Regulatory Information and Actions Relating to FAA's Ability To Operate the Air Traffic System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates and clarifies the air traffic flight rules. It adds a new section to expressly provide that FAA Notices to Airmen (NOTAMs) are an authorized means of advising pilots and aircraft operators of the

issuance of certain emergency rules and regulations, which have been adopted in accordance with the Administrative Procedure Act, when such rules and regulations are needed to ensure the FAA's ability to operate the Air Traffic Control System. The existing regulatory provisions authorizing use of NOTAMs to communicate regulatorily significant information are limited to specific situations (such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations). This amendment clarifies the current process of the FAA by providing that, when emergency conditions relating to the FAA's ability to operate the Air Traffic Control System exist and are not adequately covered by the existing rules and regulations, the FAA may use regulatory ("FDC" coded) NOTAMs to advise pilots and aircraft operators of air traffic rules which have been adopted by the Administrator. FDC NOTAMs provide a timely means for communicating the existence of immediately effective rules from shortly after those rules have been issued until the FAA is able to publish them in the *Federal Register*. Those emergency rules (including, as appropriate, air traffic requirements, restrictions, or conditions) remain in effect as specified in the rule for the duration of the emergency unless sooner modified or revoked by the Administrator. This amendment does not address the issues raised by FAA Notice No. 80-19, which are being deferred pending further consideration.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 13, 1980, the FAA published Notice No. 80-19 proposing to provide in the air traffic flight rules a new section expressly indicating the current FAA process of issuing "regulatory" Notices to Airmen (FDC NOTAMs) to communicate information of regulatory significance to those directly affected (45 FR 75096). While the proposal dealt primarily with internal FAA procedure and management and did not itself propose to establish any new requirement or burden on pilots or aircraft operators, it was published in notice form to receive public comment on the matter in conjunction with the potential use of FDC NOTAMs in certain situations.

Under the proposal in Notice No. 80-19, FDC NOTAMs would be used, for example, if the Administrator finds it necessary to activate the National Air Traffic Control Contingency Plan (which was also published in draft form for public comment at 45 FR 75100). The basic objective of the Contingency Plan is to maximize the number of aircraft, people, and cargo that can be safely accommodated with the reduced air traffic control work force. If the Contingency Plan is activated, in whole or part, the FAA will be making every effort to ensure the continued movement of aircraft to the fullest extent practicable consistent with maintaining flight safety in light of available resources to staff the Air Traffic Control System. However, the proposed rule was independent of the draft contingency plan and addressed other situations in which the adoption of immediately effective flight rules or critical flight information must be promptly communicated to pilots and aircraft operators in the interest of flight safety. Contrary to the views of many commenters, it did not propose to expand the authority of the Administrator in fulfilling the statutory responsibility to provide for the safe and efficient use of the navigable airspace and navigation facilities. The intent of the proposal was to update and clarify the current practice and procedure for using FDC NOTAMs as an effective means of immediately communicating legally adopted emergency rules and regulations. FDC NOTAMs are used when the publication of the emergency rules in the *Federal Register* as a condition precedent to their becoming effective would unreasonably delay the effectivity of a safety requirement. The FDC NOTAMs are not themselves regulations; they merely communicate information, including essential information concerning regulations already adopted by competent FAA authority. However, in response to public comment on the notice and based on further consideration of the proposal, the FAA has concluded that the instant rule should be limited to emergency actions relating to the FAA's ability to operate the Air Traffic Control System safely and efficiently when existing rules are inadequate to respond to emergency conditions.

Discussion of the Rule in Light of Comments on Notice No. 80-19

For a better understanding of this rule, the following discussion summarizes a number of concerns expressed in response to Notice No. 80-19. Forty-nine public comments were received. The

FAA's preliminary review of those comments identified considerable objection to the perceived nature and effect of the use of NOTAMs to advise the public of emergency rules. Those views and resulting suggestions indicate they may be based upon a misunderstanding of the intent and purpose of the proposal. Thus, they will require further review and evaluation to provide adequate and responsible disposition of them. Since the potential exists for disruption of the FAA's ability to operate the Air Traffic Control System at current levels, however, the FAA must be prepared to respond to conditions which might develop with appropriate administrative and regulatory action. Accordingly, it has been determined necessary to adopt a regulation to ensure that pilots and aircraft operators are provided timely notice of any emergency air traffic rules or regulations that may be issued in response to those conditions.

Almost all commenters felt that the FAA already has adequate authority to act in an emergency thereby making the proposed rule unnecessary. The FAA agrees that it has broad authority to respond to an emergency affecting flight safety; however, the adoption of regulatory provisions indicating how the FAA's authority will be exercised and how it will communicate its emergency actions to affected persons is necessary. This amendment does not create or confer on the FAA any new substantive regulatory authority; instead, this amendment deals with process. That is, this amendment codifies in the air traffic rules a principal means by which the necessary regulatory actions are communicated to affected persons pending publication of the rules involved in the *Federal Register*. Any emergency procedures and resulting actions taken by the FAA will comply fully with the Federal Aviation Act of 1958, as amended (the "FA Act"), and the Administrative Procedure Act (5 U.S.C. 551-553). The FA Act gives the FAA Administrator the authority to respond to an emergency and to issue appropriate rules. The authority to prescribe air traffic rules and to designate that airspace in which those rules apply is governed by § 307 of the FA Act which also requires compliance with the Administrative Procedure Act in promulgating those rules. Notice No. 80-19 did not propose to deviate from the FAA's lawful process but simply proposed to codify in the regulations a means by which the FAA communicates emergency, immediately effective, regulatory requirements that will have already been issued by the

Administrator. The NOTAM is not the regulation but its message would provide official notice of the adoption of an immediately effective, emergency rule or regulation and the essential information concerning the content of the regulation involved. Telegrams and telephone calls and other forms of nonregulatory communication may also be used to effect that communication; the proposal in Notice No. 80-19 and this rule concern only the NOTAM system of communication because it is used consistently, though not exclusively, by the FAA in emergencies under the current rules. Thus, any emergency rules so issued would, owing to the need for flexibility and for wide, reliable, and timely distribution, be communicated through the NOTAM system, in the manner currently described in Paragraph 294 of the current Airman's Information Manual (AIM).

The instant rule indicates the FAA's use of FDC NOTAMs as discussed in the AIM. Therefore, the FAA is not expanding its authority but is merely clarifying the regulatory status of FDC NOTAMs for the purposes covered by the rule and the distinction between them and other "informational" but nonregulatory NOTAMs carried in the NOTAM system. The rule is similar to the FAA's other expressed provisions for regulatory NOTAMs concerning certain air traffic rules, such as §§ 91.91, 91.102, and 91.104 of the Federal Aviation Regulations.

Any NOTAM issued pursuant to § 91.100 will reference that section and provide information concerning the effect of the emergency regulation. Persons with knowledge of the regulatory requirements would be required to comply as provided by law. Subsequent publication of the regulation in the *Federal Register*, will provide constructive legal notice of the emergency regulation to all persons who may not have received the NOTAM or otherwise have legal notice of the adoption of that regulation.

Most commenters expressed concern about potential abuse of the proposed rule in its future application. They felt that the proposed rule could facilitate circumvention of the normal rulemaking process and its safeguards. As previously indicated, however, the FAA will comply fully with the FA Act and Administrative Procedure Act in taking the regulatory actions under the stated emergency conditions. Of course, notice and public procedure would not precede emergency actions because of the time needed to complete that process and because one or more of the exceptions

to the requirement to propose rules for public comment before their adoption do not apply to such emergency rulemaking. With regard to the instant rule, it is the FAA's intent only to ensure the integrity of the operation of the Air Traffic Control System during emergency conditions. Thus, the commenters' concerns do not apply to it. However, to eliminate any misunderstanding concerning the purpose of the rule and its scope, it has been written to expressly limit its application to emergency conditions relating to the FAA's ability to operate the Air Traffic Control System and to clarify the effect of the NOTAM. The broader aspects of the rule proposed in Notice No. 80-19 will be considered in the disposition of that notice. Accordingly, the rule being issued herein as a Federal Aviation Regulation is narrower in scope than that originally proposed in Notice No. 80-19. The instant rule also reflects the recommendation of commenters who advocated disassociation of the proposal in the notice from the National Air Traffic Control Contingency Plan.

Some commenters objected to the proposal on the basis that there is no documented need for such a rule. However, a specific emergency condition need not have previously occurred and be documented before rules are developed relating to how the FAA will respond to such an emergency. A failure to anticipate the potential need for emergency actions would not be responsive to the FAA's responsibility to provide flight safety and operate the Air Traffic Control System. A need for contingency planning and providing the means for implementing those plans when necessary is clear. This amendment responds to that part of the need when the Administrator has cause to issue emergency rules concerning the FAA's ability to operate the Air Traffic Control System and, in accordance with the established practice and the proposed rule, communicates them through the NOTAM system. As with other rules providing for regulatory NOTAMs, the proposal recognizes the potential for unusual conditions or events wherein the existing rules do not provide adequate levels of safety in air transportation. In such events (or emergencies), the regulatory significance of such NOTAMs should be expressly provided in the rules.

Some commenters objected to the proposal in Notice No. 80-19 on the basis that the FAA's NOTAM system, to varying degrees, is either ineffective or inappropriate for conveying information of regulatory significance to affected

persons. There may well be room for improving the effectiveness of the NOTAM system in particular situations but deficiencies have not been identified of a magnitude that render the system unusable for its intended purposes. Several commenters offered to work with the FAA to improve the NOTAM system's effectiveness for immediately disseminating regulatory information that requires timely, reliable, and wide distribution. However, as noted, the FAA will be reviewing the methods of communicating information of regulatory significance and how to provide the most expeditious and effective means to ensure that information is provided to those affected by it. If found appropriate, additional rulemaking proceedings will be initiated to ensure a thorough public discussion of the subjects and issues involved.

One commenter agreed with the stated intent of the rule proposed in the notice but offered recommended modifications to §§ 91.100 (b) and (c), and on procedural matters. That commenter recommended that proposed § 91.100(b) be revised by deleting reference to the "efficient" use of the navigable airspace because efficiency can be preserved by the normal rulemaking processes and does not warrant emergency action. While improving efficiency does not by itself normally justify emergency action, ignoring efficiency under § 91.100 emergency rules would leave safety as the sole, not just a principal, objective of any rule or regulation issued pursuant to the new section. For example, the measures available to achieve simply the safety objectives could unnecessarily reduce efficiency in the Air Traffic Control System. However, safety, coupled with efficiency, promotes the most prudent and reasonable use of the airspace.

The commenter further recommended that § 91.100(c) be expanded to provide for annotation of NOTAMs issued under this section to reflect their authority. NOTAMs issued pursuant to § 91.100 will be identified as having been issued under that section. Under established practice, each rule, including rules communicated by NOTAM, provides a statement of its legal basis. However, the various means of communicating rules, such as NOTAMs, do not contain the authority statement published in the emergency rule. It is inappropriate to require that procedural matter in the instant § 91.100 rule.

The commenter also recommended publication of a NOTAM's substance as a notice of proposed rulemaking (NPRM) in the *Federal Register* within five

working days after issuance of the NOTAM in order that it would be subjected to the normal rulemaking processes. As previously indicated, an FDC NOTAM is not a rule. It provides notice that a rule has been adopted. The FAA will publish the emergency rules, not an NPRM, in the *Federal Register*, as soon as practicable after their adoption. However, the FAA will not delay the issuance of a regulatory NOTAM under § 91.100 pending that publication. Under established procedures, the preamble to each rule not preceded by notice requests public comment on the rule and, to the extent practicable, the FAA will consider comments received in evaluating whether the rule should be modified. Further, the regulation will be published for public information even if the emergency conditions have ended and the NOTAM is cancelled before the rule is published. The timeliness of its publication must be reasonable as dictated by the prevailing conditions and publishing constraints which cannot be specified for all cases in new § 91.100. Accordingly, it would not be useful to submit to the "normal" rulemaking process an "emergency" rule that has been properly established under the unusual conditions anticipated by the laws and in accordance with those laws.

The commenter suggested the FAA publish a statement of its responsibilities and liabilities for its actions taken under § 91.100, including any losses sustained during the emergency under the rule. Any NOTAM issued under § 91.100 would simply communicate emergency air traffic rules that have been established in accordance with the FA Act and the Administrative Procedures Act. Those rules will have been issued pursuant to those Acts in response to conditions which those Acts contemplated would necessitate foregoing prior notice and public participation and other routine processes suitable for nonemergency action. In such instances, the FAA, nonetheless, remains responsible for its action under established principles of law which the FAA cannot modify.

The commenter also recommended that the FAA take extraordinary measures to acquaint pilots and aircraft operators with the existence and content of § 91.100 NOTAMs. As relates to the instant rule, the FAA will make every reasonable effort to ensure availability for those FDC NOTAMs issued under the rule. The nature and extent of that effort will be tailored to the existing conditions but will not relieve pilots of their responsibilities

prescribed under §§ 91.3, 91.5, and other applicable regulations.

Several commenters took exception to the FAA's determination that the proposal in Notice No. 80-19 was not significant under Executive Order 12044. The FAA continues to stand by that determination even though the Executive Order has since been revoked. It was made in accordance with established procedures and criteria to evaluate regulatory actions. The proposed action in Notice No. 80-19 involves agency procedure for communicating regulatory decisions when an emergency is found to exist. It was not an evaluation of the potential regulatory actions that may be taken in response to those emergency conditions, but an evaluation of the proposed rule which concerns one means by which emergency regulations would be communicated to those affected. Thus, the FAA considered the anticipated impact as so minimal that it did not warrant preparation of a regulatory evaluation under the Executive Order or implementing guidelines.

Synopsis of the Rule

This amendment establishes a new § 91.100 under the air traffic rules of Part 91, Subpart B. The rule does not itself create any new requirement for pilots or aircraft operators but establishes the FAA procedure for issuing regulatory (FDC) Notices to Airmen to provide information of regulatory significance relating to its ability to operate the Air Traffic Control System during an emergency. The new section, like §§ 91.91, 91.102, and 91.104, is limited to particular situations. It concerns the possible situations where the Administrator determines that an emergency exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System (including the possible activation of the National Air Traffic Control Contingency Plan). It addresses those situations in which normal flight operations under existing rules and regulations cannot be conducted at the required levels of safety and efficiency. Whenever that occurs, the Administrator, pursuant to statutory authority, may prescribe appropriate rules and regulations that govern flight operations, the use of navigational facilities, and the designation of that airspace in which the rules and regulations apply. If those regulatory requirements must be given effect before they can be published in the *Federal Register*, the Administrator, or his designee (the Director of the Air Traffic Service), issues a regulatory (FDC) NOTAM to immediately advise

pilots and aircraft operators of the existence and import of those requirements that have been issued in the emergency rule. The NOTAMs themselves are not regulations but are the means for immediately communicating to those affected the regulatory requirements already issued under competent authority. As soon as practicable, the Administrator publishes the emergency rules in the **Federal Register** to achieve the constructive legal notice provided by that publication. In some cases, however, the emergency may have concluded and the rules may have been rescinded before they can be published; in that case publication will simply provide public notice of the action previously taken. The final paragraph of § 91.100 indicates that, because of the regulatory requirements already adopted by competent authority in a regulation before issuance of the FDC NOTAM, no person may operate an aircraft, or other device subject to the regulation, except in accordance with the authorizations, terms, and conditions prescribed in the regulation communicated by the NOTAM. As previously noted, a further discussion of the FDC NOTAM is contained in paragraph 294 of the Airman's Information Manual (AIM); NOTAMs are also covered by FAA Order 7930.2.

Postponement/Effective Date

This amendment to FAR Part 91 involves a matter relating to agency procedure and management of its programs and is needed to clarify the means for communicating certain emergency information of regulatory significance, including that needed in the event of the potential activation of the National Air Traffic Control Contingency Plan. Accordingly, I find that good cause exists for making it effective in less than 30 days after publication in the **Federal Register** and that it is excepted from postponement under the provisions of the President's Memorandum of January 29, 1981 (46 FR 11227; Feb. 6, 1981) for matters related to agency organization, management, or personnel and to emergency situations.

Adoption of the Amendment

Accordingly, Subpart B of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is amended effective March 13, 1981, by adding a new § 91.100 to read as follows:

§ 91.100 Emergency air traffic rules.

(a) This section prescribes a process for utilizing Notices to Airmen (NOTAM) to advise of the issuance and operations under emergency air traffic

rules and regulations and designates the official who is authorized to issue NOTAMs on behalf of the Administrator in certain matters under this section.

(b) Whenever the Administrator determines that an emergency condition exists, or will exist, relating to the FAA's ability to operate the Air Traffic Control System and during which normal flight operations under this chapter cannot be conducted consistent with the required levels of safety and efficiency—

(1) The Administrator issues an immediately effective Air Traffic rule or regulation in response to that emergency condition, and

(2) The Administrator, or the Director, Air Traffic Service, may utilize the Notice to Airmen (NOTAMs) system to provide notification of the issuance of the rule or regulation.

Those NOTAMs communicate information concerning the rules and regulations that govern flight operations, the use of navigation facilities, and designation of that airspace in which the rules and regulations apply.

(c) When a NOTAM has been issued under this section, no person may operate an aircraft, or other device governed by the regulation concerned, within the designated airspace, except in accordance with the authorizations, terms, and conditions prescribed in the regulation covered by the NOTAM.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c))

Note.—The FAA has determined that this document involves an emergency regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Further, in light of the potential disruption of the FAA's ability to operate the Air Traffic Control System, this amendment provides the procedural basis for timely communicating certain regulatory information and actions in the event of activation of the National Air Traffic Control Contingency Plan or the adoption of similar regulatory actions, which require immediate action. Thus, it is an emergency nonmajor regulation under Executive Order 12291 and the President's Memorandum of January 29, 1981. There are no cost impacts associated with this regulation since it is only procedural. Regulations which are distributed in accordance with the procedures in this amendment will be evaluated individually, as appropriate, to determine whether they have cost impacts.

Issued in Washington, DC, on March 9, 1981.

Charles E. Weithoner,
Acting Administrator.

[FR Doc. 81-7899 Filed 3-12-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 386

Destination Control Statements; Diversion of Exports to U.S.S.R.

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

ACTION: Final rule.

SUMMARY: Section 386.6 of the Export Administration Regulations requires entry of a destination control statement on documentation covering certain exports from the United States; such a statement warns against diversion of the exports to unauthorized destinations. This rule amends 15 CFR Part 386 by inserting new language to provide a clearer warning against diversion of exports to the U.S.S.R. The rule neither expands nor limits the provisions of the Regulations, but is necessary to conform the CFR with the Department of Commerce's *Export Administration Regulations*.

EFFECTIVE DATE: March 13, 1981.

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

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on the Regulations are welcome on a continuing basis.

Because this regulation relates to a foreign affairs function of the United States, it is not subject to the 60-day postponement of new regulations imposed by the Presidential memorandum of January 29, 1981, "Postponement of Pending Regulations,"

nor to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

This regulation will not have a significant economic impact on a substantial number of small business entities because this rule neither expands nor limits regulatory provisions, but only conforms the Code of Federal Regulations (CFR) with the *Export Administration Regulations*.

Accordingly, Part 386 of the Export Administration Regulations is amended as follows:

1. Section 386.6(a)(1)(iii)(b) is revised to read as follows:

§ 386.6 Destination control statements.

(a) * * *

(1) * * *

(iii) * * *

(b) The commodity exported is identified by "U.S.S.R." or by the symbol "Y" in the "Validated License Required" column of the Commodity Control List; and

* * * * *

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

William V. Skidmore,

Director, Office of Export Administration,
International Trade Administration.

[FR Doc. 81-7829 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 241

[Release Nos. 33-6297 and 34-17609]

Option and Option-Related Transactions During Underwritten Offerings

AGENCY: Securities and Exchange Commission.

ACTION: Notice of staff positions under statutes and rules.

SUMMARY: The Commission has authorized the issuance of letters setting forth the interpretative and enforcement positions of its Divisions of Market Regulation and Corporation Finance regarding the application of Sections 2(11) and 5 of the Securities Act of 1933, 15 U.S.C. 77b(11), 77e (1976), and Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j (1976), and Rule 10b-6

thereunder, 17 CFR 240.10b-6 (1980), to certain transactions involving exchange-traded options, and recommendations thereof, by participants in an underwriting of the security underlying such option.

FOR FURTHER INFORMATION CONTACT: With respect to the Securities Act of 1933 ("Securities Act") positions, contact: Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2573. With respect to the Securities Exchange Act of 1934 ("Exchange Act") positions, contact: Kenneth S. Spier, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2844 or M. Blair Corkran, Jr., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2853.

SUPPLEMENTARY INFORMATION: In 1977, the Securities Industry Association ("SIA") submitted a letter requesting a "clarification of the applicability of certain provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934" to certain call option transactions by broker-dealers who are participating in a distribution of the common stock underlying those options. The staff deferred consideration of the issues raised by the SIA at that time in view of the initiation of the Commission's Special Study of the Options Markets in October 1977.*

In view of the continuing growth of the listed options markets, and in particular the number of underlying stocks on which listed call options are or will be traded, the Commission believes that the issues raised by the SIA in its 1977 letter, as supplemented by letters dated August 3, 1979 and August 14, 1980, are important and that the staff responses will provide guidance to underwriters and their counsel on the issues presented. In addition, while the SIA letters did not address put options, the staff has included in its response references, where appropriate, to put option transactions, in view of the recent expansion of put option listings.

The Commission authorized the Divisions of Market Regulation and Corporation Finance to issue the following letters:

Joseph McLaughlin, Esq., *Chairman*, Federal Regulation Committee, Securities Industry Association, 20 Broad Street, New York, New York 10005.

Dear Mr. McLaughlin: By letter dated June 28, 1977, as supplemented by letters dated August 3, 1979 and August 4, 1980, and

* See Securities Exchange Act Release No. 14056 (October 17, 1977), 42 FR 56706 (October 27, 1977).

telephone conversations with the staff, the Securities Industry Association (the "SIA") has requested that the staff take a "no-action" position with regard to the application of Rule 10b-6 under the Securities Exchange Act of 1934 (the "Exchange Act") to certain transactions involving exchange-traded call options by participants in an underwriting of the common stock underlying such options. Although your request did not extend to transactions in exchange-traded put options, our response addresses, where applicable, transactions in both put and call options by participants in an offering of the underlying stock.

The SIA has asked that the staff permit participants in a distribution of securities underlying listed options to effect the following transactions in the related call options or underlying stock during a distribution:

1. Purchase call options in closing transactions to cover a proprietary short call position that was established before becoming a participant in a distribution;
2. Purchase the underlying stock in open market transactions to satisfy an exercise notice assigned against a proprietary short call position that was established before becoming a participant in the distribution; and
3. Exercise call options that were acquired before becoming a participant in the distribution.

The SIA has also requested similar relief to permit a participant in a distribution of the underlying securities to recommend that customers effect the transactions listed above. We discuss each question and set forth our response below. We discuss also the application of Rule 10b-6 to transactions effected for accounts as to which a participant in the distribution or an associated person of a participant exercises investment discretion ("managed accounts").

A. Whether, under Rule 10b-6, an underwriter or a prospective underwriter can purchase call options to close out a short call position or sell put options to close out a long put position where such positions existed before it became an underwriter.

As a preliminary matter, this question raises the issue of whether an exchange-traded call option is, for purposes of Rule 10b-6, a "right to purchase" the security that is the subject of the distribution. Although, as noted in the SIA's June 28, 1977 letter, the reference in Rule 10b-6 to a "right to purchase" may have been initially intended for subscription rights issued to existing shareholders, the staff has not so limited its interpretation of the rule. We have applied the term "right to purchase" to other securities whenever it has appeared that the purchase of those securities was likely to have the direct effect of lessening or eliminating selling pressure on (or attracting buyers to) a related security that was the subject of a distribution. Thus, warrants, convertible securities, and target securities in exchange offers and mergers have been deemed rights to purchase the security that is the subject of the distribution. As a preliminary matter, therefore, the staff concludes that an exchange-traded call

option should also be regarded as a "right to purchase" as that term is used in Rule 10b-6.¹

The staff also takes the view that Rule 10b-6 applies with respect to the writing of an exchange-traded put option. During the life of the option, the seller of a put has an obligation, contingent upon assignment of an exercise notice, to purchase the underlying stock at the exercise price. Thus, until the put option expires, the seller may be viewed as making a continuing bid for the underlying securities at the exercise price of the option. Rule 10b-6, which makes it unlawful for a participant in a distribution "to bid for . . . any security which is the subject of such distribution," would therefore be applicable.

Finally, it appears that under certain circumstances transactions in exchange-traded put and call options can have a short-term impact upon the market price of the underlying stock. The impact results from the inter-relationship between the options market and the market for the underlying security, and is transmitted through arbitrage transactions based upon the equivalency of certain options positions and the underlying stock, hedging strategies that depend on the relative pricing of an option and its underlying stock, and substitution effects that may occur when the relative pricing of these securities diverges.

Your first question is whether a participant in an underwriting can purchase call options in closing transactions to cover a pre-existing proprietary short position in the option related to the underlying offered equity security. In an analogous situation involving a short stock position, the staff requires a broker-dealer either to cover that short position before agreeing to participate in the underwriting or to maintain the position until it has completed its participation. For the reasons set forth below, however, we believe that a departure from that strict application of Rule 10b-6 is justifiable with respect to covering proprietary short call and long put positions. While the market effects of a given volume of purchases of the stock are direct and somewhat predictable, purchases of the related call options and sales of the related put options have indirect and often indeterminate effects on the underlying stock. Another reason for a departure from Rule 10b-6's prohibitions for options transactions is the operation of the listing standards and position limit rules of the options exchanges.²

In response to your request, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b-6 if a participant in an underwriting with a short call or a long put position that was established before it became a participant in the underwriting effects closing call option purchases or

closing put option sales, provided that such transactions are effected before the five business days prior to the proposed commencement of the offering of the underlying stock or such shorter time as the person has been a participant. The offering will be deemed to have commenced at the effective date of the registration statement. The Division of Market Regulation also will not recommend that the Commission take enforcement action under Rule 10b-6 if a participant in an underwriting effects such transactions for its managed accounts, subject to the same five business day provision.³

You have also asked whether a participant in an underwriting can recommend that its customers cover pre-existing short call positions during the underwriting of the related common stock. The staff will not recommend that the Commission take enforcement action under Rule 10b-6 if a broker-dealer who is a participant in an offering of an underlying stock recommends and effects closing call option purchases or put option sales, provided that such transactions are effected before the five business days prior to the proposed commencement of the offering of the underlying stock or such shorter time as the person has been a participant. This "no-action" position is limited to short call and long put customer positions that existed before the broker-dealer became a participant in the offering.

B. Whether, under Rule 10b-6, an underwriter or a prospective underwriter may purchase stock in the open market upon receipt of an exercise notice or recommend such transactions to customers.

You have also requested that the staff take a "no-action" position under Rule 10b-6 to permit underwriters and prospective underwriters, during their participation in a distribution of an underlying security, to make open market purchases of that security in order to satisfy an exercise notice assigned against a proprietary short call position related to the underlying security. You have noted that the decision to exercise is not made by the participant in the offering but rather by the holder of a long option position and that exercise notices are randomly allocated in accordance with procedures of the Options Clearing Corporation. Nevertheless, the prophylactic restrictions of Rule 10b-6 apply to conduct that, in many cases, will have manipulative effects regardless of any subjective intent on the part of the purchaser. In addition, while the decision to exercise an option and the assignment of exercise notices are beyond the direct control of the participant, the circumstances under which exercise notices are likely to be received are often highly predictable and participants in an underwriting could attempt to take advantage of such information in scheduling their offerings.

³Since the limitations imposed on the account manager's investment decisions through this condition and the others discussed below would be short-term and minor, we would not anticipate that they would be inconsistent with the account manager's obligations to manage accounts in the interests of the beneficiaries.

If a participant in an underwriting is assigned an exercise notice against its proprietary option position, it usually does not need to make open market purchases to satisfy the exercise notice. Instead, it normally can borrow stock without undue hardship to fulfill its delivery obligations. Accordingly, the staff declines to take a "no-action" position under Rule 10b-6 to permit a participant in an underwriting to purchase shares of stock in the open market upon receipt of an exercise notice. Inasmuch as a broker-dealer has full discretion over its managed accounts, we would view transactions for such accounts in the same manner as proprietary transactions.

You have also asked whether a participant in an underwriting can recommend that its customers who have been assigned an option exercise notice purchase stock in the open market to satisfy their delivery obligations. Once a writer of a call option receives an exercise notice he must deliver stock, usually within two or three days of the receipt of the notice. Delivery may be effected by purchasing or borrowing the underlying stock, or by utilizing shares which he already owns. In the absence of advice from their brokers, many call writers who receive exercise notices would elect to purchase the underlying shares in the open market (and may have made this decision when the option was written). In these circumstances, it does not appear likely that permitting an underwriter to recommend such purchases when the exercise notice is assigned would substantially increase the amount of open market purchases. Furthermore, it is desirable as a matter of policy that customers receive advice on the alternatives available to them in these circumstances. For these reasons, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b-6 if a participant in an underwriting recommends that customers who receive exercise notices on short call options positions make open market purchases of that stock, and the participant effects those purchases, provided that the short option positions were established before the firm became a participant in the underwriting of the underlying stock.

C. Whether, under Rule 10b-6, an underwriter or prospective underwriter can exercise a long call position during an underwriting of the underlying stock or recommend such exercise to customers.

Finally, you have asked whether a participant in an underwriting can exercise a proprietary long call position that existed before it became a participant. You state your opinion that the exercise of a long call position should be permitted under exception (vii) of Rule 10b-6, which excludes "the exercise of any right or conversion privilege to acquire any security." The staff, however, has limited the application of this exception to the exercise of a subscription right or convertible security through which the new security would be obtained from the issuer without market impact. By contrast, the exercise of listed options and the purchase of the underlying stock may have a significant market impact upon the underlying security.

¹Nevertheless, as indicated at page six, *infra*, we do not interpret the term "right" in exception (vii) to Rule 10b-6(a) to be applicable to exchange-traded call options.

²The position limit rules of the options exchanges were recently amended to permit positions of up to 2,000 contracts on the same side of the market. See Securities Exchange Act Release No. 17237 (October 22, 1980). Any substantial increase in the position limit rules or a substantial relaxation in listing standards may cause the staff to reconsider the views expressed in this letter.

Of course, the magnitude of that impact will depend upon the extent to which those who are assigned exercise notices purchase the underlying stock in the open market instead of delivering portfolio or borrowed securities. The staff believes that prohibiting proprietary call option exercises during an underwriting would have a *de minimus* impact upon the proprietary trading of participants while assuring that the market for the underlying security will not be affected by purchase activity resulting from such exercises. Accordingly, the Division of Market Regulation declines to take a "no-action" position under Rule 10b-6 on this portion of your request. Our position would also apply to the exercise of an option pursuant to the automatic exercise procedures of the Options Clearing Corporation. To avoid the exercise of a long call position, a participant may override these procedures in accordance with OCC Rule 805(f). Finally, inasmuch as a broker-dealer has full discretion over its managed accounts, we would view transactions for such accounts in the same manner as proprietary transactions.

With respect to your request that participants be allowed to recommend that customers exercise their related call options, somewhat different considerations apply. Because options are complex, short-term, wasting assets, the staff deems it desirable, as a matter of policy, to permit a broker-dealer to give continuing advice until the option position expires or is closed.

Accordingly, the Division of Market Regulation will not recommend that the Commission take enforcement action under Rule 10b-6 if a participant in an underwriting of the underlying stock recommends that its customers exercise long call option positions, and effects such transactions, where the options were acquired before the firm became a participant.

The foregoing "no-action" positions are limited to the application of Rule 10b-6. They represent only the position of the staff on enforcement action and do not represent any legal conclusions with respect to the issues discussed. In addition, your attention is directed to the antifraud and anti-manipulative provisions of the Exchange Act, particularly Section 9(a)(2), and Section 10(b) and Rule 10b-5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with those broker-dealers who are relying on this "no-action" position.

If you have any questions with respect to the issues addressed by this letter, please contact Roger D. Blanc, Kenneth S. Spierer, or M. Blair Corkran of this Division.

We understand that the Division of Corporation Finance has responded by separate letter to the questions you have presented under the Securities Act of 1933.

Very truly yours,

Douglas Scarff,

Director.

Joseph McLaughlin, Esq., Chairman, Federal Regulation Committee, Securities Industry Association, 20 Broad Street, New York, New York 10005.

Dear Mr. McLaughlin: By letter dated June 28, 1977, as supplemented by letters dated

August 3, 1979 and August 4, 1980, as well as a number of telephone conversations with the staff, the Securities Industry Association has requested that the staff address two issues under the Securities Act of 1933 (the "Securities Act") relating to options transactions. First, you ask that the staff conclude that an investor who purchases securities pursuant to a registered public offering and, at the same time, writes a substantial number of call options on those underlying securities, is not an "underwriter" within the meaning of Section 2(11) of the Securities Act. Second, you seek a determination that it does not violate Section 5 of the Securities Act for an underwriter in a registered public offering to recommend the writing of call options on securities of the same class as those subject to a registration statement that has not become effective by customers who have indicated an interest in purchasing such securities in the offering. In our response which follows, we have limited our comments solely to call options which are traded on a national securities exchange, and we have also included references to exchange-traded put options, where appropriate.

A. Is a person who writes call options or purchases put options on securities that are the subject of a registered public offering an underwriter within the meaning of Section 2(11) of the Securities Act?

Ordinarily, persons writing exchange-traded call options or purchasing exchange-traded put options on securities of the same class as those being sold in a registered public offering are not using the options for the purpose of selling the underlying securities. This is generally so, whether or not the investor already holds the underlying securities (the investor can cover later by an option closing transaction or by a purchase), and is the case if the investor is purchasing the securities either in the open market or in the registered public offering. Investors generally write call options in order to reduce the risk of a price decline in underlying securities which they already hold or are purchasing and to increase their income through receipt of the option premiums. Investors generally purchase put options with respect to securities they hold or are acquiring in order to protect themselves against a price decline in the underlying securities. Moreover, an investor can be distinguished from an underwriter by virtue of the fact that the latter typically has an express or implied agreement with the issuer to aid in the distribution of the securities involved in the offering and to receive compensation for his selling efforts. When an investor writes call options or purchases put options, neither of these elements is usually present. The absence of an agreement or compensation would tend to indicate that the investor is not purchasing the underlying securities "from an issuer with a view to . . . the distribution of [such securities]" and therefore, should not be deemed to be an underwriter within the meaning of Section 2(11) of the Securities Act.

Accordingly, it is the view of the Division of Corporation Finance that a purchaser of securities in a registered public offering ordinarily would not be considered an

underwriter merely because the purchaser writes exchange-traded call options or purchases exchange-traded put options on securities of the same class as those which are the subject of the offering. There are situations, however, where the activities of an investor may raise a question as to whether the investor should be considered an underwriter.

The most obvious situation would be one in which a purchaser of securities in an offering has an agreement or understanding, express or implied, with the issuer or underwriter to write or buy options for the purpose of facilitating the distribution of securities under the offering. In such circumstances, as well as the situation in which the purchaser receives compensation for engaging in such activities, the purchaser would appear to be an underwriter.

Another situation that may raise a question would involve an investor who purchases a significant portion of an offering (for example, more than 5%) and writes a large number of call options or buys a large number of put options close to the effective date of the offering. In such a situation, all of the surrounding circumstances, including whether the options were in-the-money when written or purchased and the number of options subsequently exercised, would have to be examined in order to determine whether the investor effected the options transactions with a view to distributing the securities in the offering and was therefore an underwriter.

B. Is an underwriter which recommends writing call options before the effective date of a registration statement engaged in "gun-jumping" in violation of Section 5 of the Securities Act?

In the view of the Division of Corporation Finance, a broker acting as an underwriter or selected dealer or otherwise participating in a registered public offering would not be engaged in gun-jumping in violation of Section 5 merely because, before the registration statement became effective, some of the broker's customers engaged in transactions on an exchange in options on securities of the same class as those being distributed. A broker participating in the distribution would be free during the pre-effective period to discuss with customers potential option strategies and transactions which might pertain to securities of the class to be distributed. Section 5 would not preclude such a broker from recommending or effecting any covered option transactions during the pre-effective period. Further, it appears that Section 5 would generally not prohibit a broker participating in a registered public offering, during the pre-effective period, from recommending or effecting, with respect to securities of the class to be distributed, uncovered call-writing or put-buying transactions on an options exchange for the broker's customers who have neither been solicited nor expressed interest in the securities being distributed.

There could be situations, however, in which the options activities of a broker participating in a registered public offering, during the pre-effective period, might constitute gun-jumping in violation of Section

5. For example, if the broker recommended that a customer engage in a combination of activities involving the writing of uncovered call options prior to the effective date of the registration statement and the purchasing of shares in the registered distribution, the conduct of the broker could be regarded as tantamount to the obtaining of a pre-effective commitment from the customer to buy the securities to be distributed, in violation of Section 5. Accordingly, we are unable to take a position regarding the propriety of this form of option activity by a broker during a distribution in which the broker is a participant. In such circumstances, the determination of whether such actions constitute gun-jumping in violation of Section 5 would depend on the facts and circumstances of each case.

It should be noted that the views expressed in this letter relate generally to the activities in connection with exchange-traded options on securities of the same class as those to be distributed in a registered public offering. These views would not necessarily extend to facts and circumstances not referred to herein. Also, the views expressed herein pertain exclusively to Section 2(11) and Section 5 of the Securities Act, and do not purport to address issues under any other provisions of law or regulations.

We understand that the Division of Market Regulation has responded in a separate letter to the questions you have presented under the Securities Exchange Act of 1934.

Sincerely,

Edward F. Greene,
Director.

Accordingly, 17 CFR Parts 231 and 241 are amended by adding thereto reference to this release.

By the Commission.

George A. Fitzsimmons,
Secretary.

March 6, 1981.

[FR Doc. 81-7945 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 270

[Release No. IC-11675, File No. S7-866]

Adoption of Permanent Rules Exempting Business Development Companies and Certain of Their Affiliates From Provisions of the Investment Company Act

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of permanent rules.

SUMMARY: The Commission is adopting, on a permanent basis, two rules under the Investment Company Act of 1940 as recently amended by the Small Business Investment Incentive Act of 1980. Rule 57b-1 permits certain transactions between a business development company and a company controlled by

it or certain affiliated persons of such controlled company without requiring prior approval of the Commission. Rule 60a-1 permits a business development company to acquire the securities of and operate a wholly-owned small business investment company. These rules correct inadvertent results of recent amendments to the Investment Company Act. They are substantially the same as the interim rules on which the Commission sought public comment in Investment Company Act Release No. 11493 (December 16, 1980).

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Marsha Gilman, Esq. (202-272-3036), Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting, on a permanent basis, two rules under the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a-1 *et seq.*] as recently amended by the Small Business Investment Incentive Act of 1980 (the "1980 Amendments") [Pub. L. No. 96-477]. These rules were proposed as interim rules by the Commission on December 16, 1980,¹ at which time public comment was sought on whether they should be adopted as permanent rules. The reasons for the Commission's proposal of these rules were discussed thoroughly at that time. Persons interested in a more detailed discussion of the rules should refer to the Commission's prior release.

In response to its request for comments on the subject of permanent adoption of the interim rules, the Commission received three letters. Each commentator supported the interim rules and urged permanent adoption. Two commentators, however, suggested that interim rule 60a-1 [17 CFR 270.60a-1] contains a technical error. As discussed more fully below, the Commission agrees with this position and, accordingly, corrects rule 60a-1 as permanently adopted. Interim rule 57b-1 [17 CFR 270.57b-1] is adopted permanently as originally proposed.

Rule 57b-1

Rule 57b-1 exempts from the prohibition of section 57 of the Act [15 U.S.C. 80a-56] certain transactions between a business development company and a controlled downstream portfolio affiliate or certain affiliated persons of such affiliate. The rule corrects the consequence of an

¹ Investment Company Act Release No. 11493 [45 FR 83479, December 19, 1980].

inadvertent drafting error in section 57(b)(2) of the Act [15 U.S.C. 80a-56(b)(2)], added by the 1980 Amendments. As the legislative history of the 1980 Amendments indicates,² the result which the rule effects was clearly intended by Congress.

Rule 60a-1

Rule 60a-1, as adopted on an interim basis, permits a business development company to acquire the outstanding voting securities of and operate a wholly-owned small business investment company ("SBIC"). This rule was intended to correct the inadvertent result of the application of section 12(d)(1) of the Act [15 U.S.C. 80a-12(d)(1)] to business development companies by section 60 [15 U.S.C. 80a-59], added by the 1980 Amendments.³ Section 12(d)(1) generally limits the acquisition by an investment company of securities issued by other investment companies. However, if the acquiring company meets certain criteria, it is not restricted as to the type (e.g. voting or non-voting) of securities which it may acquire.⁴ Thus, the limitation which interim rule 60a-1 places on the acquisition of the securities of an SBIC by a business development company—that only the acquisition of an SBIC's *outstanding voting securities* is permitted—is not appropriate. In rule 60a-1 adopted on a permanent basis today, the Commission is removing that limitation.

² This legislative history was discussed at length in the earlier release. See Investment Company Act Release No. 11493, 45 FR at 83481.

³ Section 60 states, in part, that "[n]otwithstanding the exception set forth in section 6(f), section 12 shall apply to a business development company to the same extent as if it were a registered closed-end investment company . . ." Section 6(f) [15 U.S.C. 80a-6(f)], in turn, exempts business development companies generally from sections 1 through 53 of the Act [15 U.S.C. 80a-1 through 15 U.S.C. 80a-52].

⁴ Section 12(d)(1) states, in part:

(A) It shall be unlawful for any registered investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire *any security* issued by any other investment company (the "acquired company"), and for any investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire *any security* issued by any registered investment company (the "acquired company") if . . .

(C) It shall be unlawful for any investment company (the "acquiring company") and any company or companies controlled by the acquiring company to purchase or otherwise acquire *any security* issued by a registered closed-end investment company, if . . .

[Emphasis added.]

Statutory Basis

Rules 57b-1 and 60a-1 are adopted pursuant to section 6(c) [15 U.S.C. 80a-6(c)], section 38(a) [15 U.S.C. 80a-37(a)], and section 59 [15 U.S.C. 80a-58] of the Act.

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By adding § 270.57b-1 to read as follows:

§ 270.57b-1 Exemption for downstream affiliates of business development companies.

Notwithstanding subsection (b)(2) of section 57 of the Act, the provisions of subsection (a) of that section shall not apply to any person (a) solely because that person is directly or indirectly controlled by a business development company or (b) solely because that person is, within the meaning of section 2(a)(3) (C) or (D) of the Act [15 U.S.C. 80a-2(a)(3) (C) or (D)], an affiliated person of a person described in (a) of this section.

2. By adding § 270.60a-1 to read as follows:

§ 270.60a-1 Exemption for certain business development companies.

Section 12(d)(1) (A) and (C) of the Act shall not apply to the acquisition by a business development company of the securities of a small business investment company licensed to do business under the Small Business Investment Act of 1958 which is operated as a wholly-owned subsidiary of the business development company.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 9, 1981.

[FR Doc. 81-7846 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

[Docket No. 81N-0013]

Delegations of Authority; Electronic Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulations for delegations of authority. The authority to perform all functions relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, sunlamp products and ultraviolet lamps intended for use in any sunlamp product is being redelegated to field personnel. This action is taken to provide for more effective enforcement operations.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Sections 5.37(b) and 5.89 (21 CFR 5.37(b) and 5.89) are being amended to add authority relating to sunlamp products and ultraviolet lamps intended for use in any sunlamp product as defined in § 1040.20(b) (21 CFR 1040.20(b)) to the authorities already delegated to Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354-360F, 82 Stat. 1173-1186 (42 U.S.C. 263b-263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.37, by revising paragraph (b) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(b) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings, and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

2. By revising § 5.89 to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

(b) The Director of the Division of Compliance of the Bureau of Radiological Health is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act and under § 1003.11(a) of this chapter; and the Chiefs of District Compliance Branches are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter, and

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); secs. 354-360F, 82 Stat. 1173-1186 (42 U.S.C. 263b-263n))

Dated: March 6, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7835 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 175

[Docket No. 80F-0404]

Indirect Food Additives; Adhesive Coatings and Components; Poly (Acrylamide-[2-Acrylamide-2-Methylpropylsulfonate]-Dimethyldiallyl Ammonium Chloride) Sodium Salt**AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt as a component of adhesives used in articles intended for food-contact use. This action responds to a food additive petition filed by Calgon Corp.

DATES: Effective March 13, 1981; objections by April 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of October 24, 1980 (45 FR 70573), FDA announced that a petition (FAP 9B3474) had been filed by Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230, proposing to amend § 175.105 *Adhesives* (21 CFR 175.105) to provide for the safe use of poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) as a component of adhesives used in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant information and concludes that the correct chemical name of the additive is poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt and that § 175.105 should be amended as set forth below to include the petitioned additive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 175 is

amended in § 175.105(c)(5) by adding alphabetically a new item in the list of substances to read as follows:

§ 175.105 **Adhesives.**

Substances	Limitations
(c) * * *	
(5) * * *	
Poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt (CAS Reg. No. 72275-68-4)	

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 13, 1981 submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the hearing of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective March 13, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 4, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7537 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 177

[Docket No. 79F-0075]

Indirect Food Additives; Polymers; Trimethylpyridines and Dimethylpyridines**AGENCY:** Food and Drug Administration.**ACTION:** Final Rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of a mixture of trimethylpyridines and dimethylpyridines as an adjuvant substance used in the production of olefin polymers. This action is being taken in response to a petition filed by the Standard Oil Co. (Indiana).

DATES: Effective March 13, 1981; objections by April 13, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of April 13, 1979 (44 FR 22179), FDA announced that a petition (FAP 8B3347) had been filed by Standard Oil Co. (Indiana), 200 E. Randolph Dr., Chicago, IL 60601, proposing that Subpart D of Part 178—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers of the food additive regulations be amended to provide for the safe use of a mixture of trimethylpyridines (as the major constituents) and dimethylpyridines (as the minor constituents) as an adjuvant substance used in the production of olefin polymers.

FDA has evaluated data in the petition and other relevant material and concludes that the regulation should more appropriately appear in Part 177 and that § 177.1520(b) should be amended to include the petitioned additive, as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food

and Drugs (21 CFR 5.1), Part 177 is amended in § 177.1520(b) by adding alphabetically a new substance to read as follows:

§ 177.1520 Olefin polymers.

(b) * * *

Substances	Limitations
Trimethylpyridine and dimethylpyridine mixture having percent by weight composition as follows: 2,4,6-trimethylpyridine (CAS Reg. No. 108-75-8), not less than 60 percent; 2,3,6-trimethylpyridine (CAS Reg. No. 1462-84-6), not more than 27 percent; 3,5-dimethylpyridine (CAS Reg. No. 591-22-0), not more than 12 percent; and other dimethylpyridines, not more than 6 percent.	For use only as an adjuvant substance in the production of propylene homopolymers complying with items 1.1, 1.2, and 1.3, and propylene copolymers complying with items 3.1, and 3.2 of paragraph (c) of this section provided that the adjuvant is used at a level not to exceed 20 parts per million by weight of the olefin polymers.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 13, 1981.

(Secs. 201[s], 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321[s], 348))

Dated: March 6, 1981.

William F. Randolph,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7847 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 430, 436, and 444

[Docket No. 80N-0292]

Antibiotic Drugs for Human Use; Sisomicin Sulfate

Correction

In FR Doc. 81-1065 appearing on page 2987 in the issue of Tuesday, January 13, 1981, make the following corrections:

(1) In the first column of page 2987, under Dates, the deadline for the receipt of comments now given as February 11, 1981, should have been February 12, 1981.

(2) In the third column of page 2987, in § 430.5, after paragraph (b)(69), remove the line of five asterisks.

(3) In the first column of page 2988, in the fifth line of § 444.62(a)(1), ". . . (methylamino) B-L- . . ." should have read ". . . (methylamino)-B-L- . . .".

(4) Two lines from the bottom of the same column, in paragraph (a)(1)(v) of § 444.62, ". . . is nor more . . ." should have read ". . . is not more . . .".

BILLING CODE 1505-01-M

21 CFR 431

[Docket No. 81N-0079]

Increase in Antibiotic Certification Fees

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations by increasing the fees for certifying antibiotic drugs for human and animal use. These increases are necessary because of a general increase in all costs of operating the certification program.

DATES: Effective April 13, 1981; comments, notices of participation, and requests for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments, notices of participation, and requests for hearing to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David Petak, Office of the Associate Commissioner for Management and Operations (HFA-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1769.

SUPPLEMENTARY INFORMATION: FDA is increasing the fees for certifying antibiotic drugs for human and animal use now provided for in the regulations.

These increases are necessary because of a general increase in all costs of operating the certification program.

Unlike human and animal drugs (other than insulin), antibiotics are subject to individual batch certification before marketing. The statutory schemes for certification, which are found at section 507(b) of the Federal Food, Drug, and Cosmetic Act for human drugs (21 U.S.C. 357(b)), and at section 512(n) for veterinary drugs (21 U.S.C. 360b(n)), provide for the establishment of such fees by regulation as are necessary to provide, equip, and maintain an adequate certification service. The fees are paid by the manufacturers whose products are certified. The current fee schedule specified in the regulations for antibiotic drugs became effective on May 3, 1976. Since that time there has been a general increase in employees' salaries and in the cost of operating laboratories. The certification program incurred an operating deficit of \$817,000 during fiscal year 1980. Although retained earnings from earlier years had been used to offset this deficit, they will not cover the anticipated deficit for fiscal year 1982, which is expected to be at least \$600,000 during fiscal year 1981.

The current fee schedule has, therefore, become insufficient to maintain an adequate certification service, and an immediate increase is necessary.

Test fees in the revised schedule published in this regulation are based, as they are in the existing schedule, solely on the cost of the tests performed. This method of establishing fees was adopted in the 1976 revision, replacing the earlier method in which fees were based on all costs of the certification program, including costs for reviewing data and issuing certificates, for carrying out research, and for conducting establishment inspections associated with certification. The fee for each batch of drugs submitted, which will be \$114 upon the effective date of this regulation, is intended to cover these other costs.

Some of the individual test fees have been increased, others are reduced, and some remain the same. The fee for facsimile transmission has been deleted. The cost of this service is recaptured in the fee per batch of \$114.00.

A copy of the agency study supporting the changes is available for review at the Dockets Management Branch at the address and hours given at the end of this document.

The agency has determined pursuant to 21 CFR 25.24(b)(2) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not

individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis as required by section 604 of the Regulatory Flexibility Act of 1980, 94 Stat. 1167, is unnecessary. Amendment to FDA's antibiotic regulations issued under sections 507(f) and 512(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(f), 360b(n)) and section 701 (f) and (g) of the act (21 U.S.C. 371 (f) and (g)) are considered to be subject to the provisions of 5 U.S.C. 556 and 557 and need not comply with the directives of Executive Order 12291 (February 17, 1981). For the same reason, these regulations are not subject to the President's memorandum dated January 29, 1981, imposing a freeze on issuance of most regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 431 is amended in § 431.53 by revising the introductory text of paragraph (b), revising paragraph (b)(1), and removing paragraph (b)(3), as follows:

§ 431.53 Fees.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, shall be \$114 for each batch submitted, plus the sum of the fees for all individual tests required for certification of each batch. The minimum tests for each batch shall be those prescribed in the section relating specifically to such drug.

(1) The fee schedule for specific tests required for antibiotic drug certification is as follows:

Chargeable fee per test	
Argent content	\$20
Benzylpenicilloyl content	32
Bleomycin	1,291
Butanol content	52
Candicidin potency (special turbidimetric)	85
Capreomycin 1 content	121
Color identity	8
Column chromatography	130
Column chromatographic isomer content	65
Copper content	22
Crystallinity	4
Cycloserine color assay	27
Danorubicin potency (special turbidimetric)	19
Disc potency	52
Dissolution test	107
Doxycycline purity (paper chromatography)	130
Free chloride	54

Chargeable fee per test—Continued

Frozen antibiotic test panel	\$32
Gas chromatography	32
Gentamicin C	165
Heavy metals test	14
High pressure liquid chromatography (HPLC)	54
Histamine test	40
Infrared identity	19
Infrared quantitative	19
Iodochlorhydroxyquin content	22
Isoniazid content	22
Karl Fischer moisture	8
LD ₅₀ toxicity	165
Loss on drying	12
Lysine content	161
Melting range	8
Metal particles (ophthalmic ointments)	22
Microbiological assay, plate	50
Microbiological assay, turbidimetric	29
Microorganism count	68
Nonaqueous titrations (and compleximetric)	22
Paper chromatographic identity	43
Penicillenate and penamaldate content	30
Penicillin chemical assay	15
Penicillin contamination	39
Penicillin G content	32
pH	4
Polarographic assay	33
Potency (special plate)	91
Probenecid content	32
Procaine colorimetric	8
Pyrogens test: 3 rabbits	72
Pyrogens test: 8 rabbits	144
Quantitative thin layer chromatography	60
Residual streptomycin	8
Residue on ignition	26
Safety test	25
Solubility identification	54
Specific rotation	22
Specific rotation (potency quantitative)	44
Specific surface area	22
Sterility test	68
Sulfate content	8
Tablet disintegration	5
Thin layer chromatographic identity	43
Total Chlorine	54
Undecylonic acid content	17
Ultraviolet absorptivity	32
Ultraviolet identity	32
Ultraviolet potency	32
Vancomycin identity (bioautograph)	117
Zinc titration	11

(3) [Reserved]

The amendments established by this regulation are necessary to maintain an adequate antibiotic drug certification service and, accordingly, are indispensable to maintaining a market supply of these drugs. Public health considerations dictate, therefore, that notice and public procedure be dispensed with as contrary to the public interest. Therefore, the amendments will become effective 30 days after the date of publication in the Federal Register. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 13, 1981.

(Secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371 (f) and (g)))

Dated: March 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7041 Filed 3-12-81; 9:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 436 and 452

[Docket No. 81N-0015]

Erythromycin Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of erythromycin, erythromycin capsules. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective March 13, 1981; comments, notice of participation, and request for hearing by April 13, 1981; data, information, and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of erythromycin, erythromycin capsules. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Parts 436 and 452 (21 CFR Parts 436 and 452) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436 and 452 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended by adding new § 436.542 to Subpart H, to read as follows:

§ 436.542 Acid resistance/dissolution test for enteric-coated erythromycin pellets.

(a) *Equipment.* Use Apparatus 1 as described in the United States Pharmacopeia XX dissolution test.

(b) *Immersion fluids.* All immersion fluids may be degassed by heating immediately prior to use.

(1) *Acid resistance medium.* Use 0.06N hydrochloric acid, pH 1.2.

(2) *Dissolution medium.* Dissolve 6.8 grams of monobasic potassium phosphate in 250 milliliters of water. Add 190 milliliters of 0.2N sodium hydroxide and 400 milliliters of water and adjust the resulting solution with 0.2N sodium hydroxide to a pH of 7.5 ± 0.1 . Dilute to 1 liter.

(c) *Procedure.* Warm the immersion fluids to a temperature of $37 \pm 5.0^\circ \text{C}$. Place the contents of one capsule into the basket. Lower the basket into 900 milliliters of acid resistance medium contained in the beaker. Ensure that all air is displaced from the immersed basket and that the pellets remain in the basket. Rotate the basket at the speed of 50 revolutions per minute for an accurately timed period of 1 hour. Remove the basket from the fluid and immediately lower the basket into 900 milliliters of dissolution medium contained in the beaker. Again ensure that all air is displaced from the immersed basket and that the pellets remain in the basket. Rotate the basket at 50 revolutions per minute for an accurately timed dissolution period of 1 hour. Withdraw a 25-milliliter sample of the dissolution medium from a point midway between the stirring shaft and the wall of the vessel and approximately midway in depth. Filter the sample through a Whatman 541 filter paper or equivalent, discarding the first 2 milliliters. Assay for erythromycin using the filtrate as the test solution as directed in § 436.105. Repeat the test on five additional capsules.

(d) *Evaluation.* Use the interpretation described in the United States Pharmacopeia XX dissolution test.

PART 452—MACROLIDE ANTIBIOTIC DRUGS

2. Part 452 is amended by adding new § 452.110c to Subpart B, to read as follows:

§ 452.110c Erythromycin capsules.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Erythromycin capsules are capsules containing enteric-coated erythromycin pellets, suitable and harmless buffer substances, diluents, binders, lubricants, and colorings. Each capsule contains 250 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 7.5 percent. It passes the acid resistance/dissolution test. The erythromycin used conforms to the standards prescribed by § 452.10(a)(1), except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The erythromycin used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(b) The batch for potency, moisture, and acid resistance/dissolution.

(ii) Samples required:

(a) The erythromycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of 100 capsules.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this Chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 200 milliliters of methyl alcohol. Blend for 2 to 3 minutes. Add 300 milliliters of 0.1M potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 2 to 3 minutes. Further dilute an aliquot with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Acid resistance/dissolution.* Proceed as directed in § 436.542 of this chapter. The quantity O (the amount of erythromycin dissolved) is 80 percent at 60 minutes.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's

becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 2, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs,
Bureau of Drugs.

[FR Doc. 81-7638 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 442

[Docket No. 81N-0018]

Cepha Antibiotic Drugs; Cefadroxil Monohydrate for Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of cefadroxil monohydrate, cefadroxil monohydrate for oral suspension. The manufacturer has supplied sufficient data and information to establish the drug's safety and efficacy.

DATES: Effective March 13, 1981; comments, written notice of participation, and request for hearing by April 13, 1981; data, information, and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of cefadroxil monohydrate, cefadroxil monohydrate for oral suspension. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that

the regulations should be amended in Part 442 (21 CFR Part 442) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 442 is amended in Subpart B by adding new § 442.106c, to read as follows:

§ 442.106c Cefadroxil monohydrate for oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Cefadroxil monohydrate for oral suspension is cefadroxil monohydrate with one or more suitable and harmless preservatives, suspending agents, surfactants, binders, and flavorings. When reconstituted as directed in the labeling, each milliliter contains cefadroxil monohydrate equivalent to either 25, 50, or 100 milligrams of cefadroxil. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cefadroxil that it is represented to contain. Its moisture content is not more than 2.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 6.0. The cefadroxil monohydrate used conforms to the standards prescribed by § 442.6(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The cefadroxil monohydrate used in making the batch for potency, safety, moisture, pH, absorptivity, identity, and crystallinity.

(b) The batch for potency, moisture, and pH.

(ii) Samples required:

(a) The cefadroxil monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency*. Use either of the following methods; however, the results obtained from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Microbiological agar diffusion assay*. Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion of the suspension into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Further dilute an aliquot of this solution with solution 1 to the reference concentration of 20.0 micrograms of cefadroxil per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay*. Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except prepare the working standard and sample solutions and calculate the cefadroxil content as follows:

(a) *Preparation of working standard solution*. Dissolve and dilute an accurately weighed portion of the cefadroxil working standard in sufficient distilled water to a final concentration of 1 milligram of cefadroxil per milliliter.

(b) *Preparation of sample solution*. Reconstitute the sample as directed in the labeling. Transfer an accurately measured representative portion to a volumetric flask and bring to volume with distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of this solution with distilled water to a concentration of 1 milligram of cefadroxil per milliliter (estimated).

(c) *Calculations*. Calculate the cefadroxil content as follows:

$$\text{Milligrams per dose} = \frac{A_s \times P_s \times d}{A_w \times 1,000}$$

Where:

A_s = Absorbance of sample solution;

P_s = Potency of working standard in micrograms per milligram;

d = Dilution factor for sample;

A_w = Absorbance of working standard solution.

(2) *Moisture*. Proceed as directed in § 436.201 of this chapter.

(3) *pH*. Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In

accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with

the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 24, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs,
Bureau of Drugs.

[FR Doc. 81-7940 Filed 3-12-81; 5:45 am]

BILLING CODE 4110-03-M

21 CFR 444

[Docket No. 81N-0019]

Tobramycin Ophthalmic Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new dosage form of tobramycin, tobramycin ophthalmic solution. The manufacturer has supplied sufficient data and information to establish the drug's safety and efficacy.

DATES: Effective March 13, 1981; comments, written notice of participation, and request for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of tobramycin, tobramycin ophthalmic solution. The agency concludes that the data supplied by the manufacturer

concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 444 is amended in Subpart D by adding new § 444.380 to read as follows:

§ 444.380 Tobramycin ophthalmic solution.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Tobramycin ophthalmic solution contains in each milliliter 3.0 milligrams of tobramycin in a suitable and harmless aqueous vehicle. It may or may not contain one or more suitable and harmless dispersants, preservatives, buffers, and tonicity agents. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of tobramycin that it is represented to contain. It is sterile. Its pH is not less than 7.0 and not more than 8.0. The tobramycin used conforms to the standards prescribed by § 444.80(a)(1), except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The tobramycin used in making the batch for potency, safety, moisture, pH, identity, and residue on ignition.

(b) The batch for potency, sterility, and pH.

(ii) Samples required:

(a) The tobramycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(1) For all tests except sterility: A minimum of five immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective March 13, 1981. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this rule. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact

that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Foods and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 13, 1981.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: February 24, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs,
Bureau of Drugs.

[FR Doc. 81-7842 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 436, 440, 444, 446, 448, 449, 450, 452

[Docket No. 80N-0471]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic regulations by making corrections, updates, and minor noncontroversial technical changes in the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective March 13, 1981; comments, notice of participation, and request for hearing by April 13, 1981; data, information and analyses to justify a hearing by May 12, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making corrections, updating, and minor noncontroversial technical changes in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. In one instance, the need for a change was called to FDA's attention by an industry representative. To aid in understanding the types of changes included in this document, the changes have been grouped for discussion in this preamble into three general classes: monograph corrections, updating, and minor noncontroversial technical changes.

Monograph Corrections

1. In § 440.3(b)(5) (i) and (ii), a new sentence is added for clarification, and the calculations for amoxicillin content are corrected.

2. In §§ 440.5 and 440.7, in paragraphs (b)(5) (i) and (ii), the calculations for ampicillin content are corrected.

3. In § 440.7a(b)(7) (i) and (ii), the calculations for ampicillin content are corrected.

4. In § 440.9a(b)(7), the calculations for ampicillin content are corrected.

5. In § 440.41(a)(1)(vi), the figure "82.7 percent" is corrected to read "82.0 percent."

6. In § 444.220(a)(1), the word "is" is corrected to read "it" in the third sentence, and in paragraph (b)(4) the word "milliliters" is corrected to read "milligrams."

7. In § 446.15(b)(5), the figure "280" is corrected to read "380" in the fourth sentence.

8. In § 449.40(b)(4), the word "mix" is corrected to read "solvent" in the fourth and fifth sentence, and the word "solvent" is added in the sixth sentence.

Updating

1. Sections 448.30a, 448.930a, and 448.930b are updated by making the following changes:

a. The words "nontoxic" and "toxicity" are changed to read "safety" wherever they appear to be consistent with current nomenclature.

b. The word "moisture" is changed to "loss on drying" wherever it appears, to correctly reflect the method used.

c. The requirements for tests and methods are revised to refer to the general methods in Part 436 rather than to individual monographs for bulk drugs or dosage forms.

d. The potency limits are transferred from paragraph (b) to paragraph (a) in § 448.30a.

e. A requirement for testing the bulk for loss on drying is added to § 448.930b to conform with all other monographs providing for dosage forms.

2. Sections 448.30a(a)(2), 448.930a(a)(2) and (a)(3), 448.930b(a)(3)(ii)(c), and 452.30a(a)(2) are removed and reserved. These requirements are provided for in general regulations in Parts 431 and 432 and should not be included in the individual sections.

3. Section 452.230 is added. When a bulk drug is packaged for dispensing, a corresponding monograph is included in the subpart for injectable dosage forms to maintain the scheme of the regulations.

Technical Changes

1. In §§ 436.105(a) and 436.106(b), the specific incubation temperatures for the microorganisms listed in the tables have been replaced by a temperature range. It is impractical to assume that an incubation oven used for the microbiological agar diffusion assay or a water bath used for the microbiological turbidimetric assay are exact enough to limit the temperature to a specific figure.

2. In § 440.9a(b)(1)(i), distilled water is replaced by 1 percent potassium phosphate buffer, pH 6.0 (solution 1), as the sample preparation diluent for the iodometric and hydroxylamine colorimetric assays. Buffer is necessary for use in these assays. For consistency, in paragraph (b)(1)(ii)(b), the reference to distilled water has been removed.

3. In § 449.4(b)(2) (i) and (v), the nystatin working standard has replaced the amphotericin A standard in the determination of amphotericin A content of amphotericin B. The firm that supplies the amphotericin A standard has exhausted its supply and considers the cost of producing more material to be used exclusively in assay determination prohibitive. The nystatin working standard can be used satisfactorily in place of amphotericin A.

4. In § 450.220(a)(1), the upper pH limit has been raised from 7.0 to 7.5. The present limit is too restrictive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended [21 U.S.C. 357]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Subchapter D is amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended:

§ 436.105 [Amended]

a. In § 436.105 *Microbiological agar diffusion assay*, by amending the table in the last column in paragraph (a) by changing the entries "30" to read "29-31", "35" to read "34-36", and "37" to read "36-37.5".

§ 436.106 [Amended]

b. In § 436.106 *Microbiological turbidimetric assay*, by amending the table in the last column in paragraph (b) by changing the entry "7" to read "36-37.5", the entry "26" to read "27-29", and the entries "37" to read "36-37.5".

PART 440—PENICILLIN ANTIBIOTIC DRUGS

2. Part 440 is amended:

a. In § 440.3(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.3 Amoxicillin trihydrate.

(b) * * *
(5) * * *
(i) * * *

Calculate the difference between the potency and the amoxicillin content as follows:

Difference = (Potency in micrograms per milligram/10)—percent amoxicillin content.

(ii) * * *

Calculate the difference between the potency and the amoxicillin content as follows:

Difference = (Potency in micrograms per milligram/10)—percent amoxicillin content.

* * *

b. In § 440.5(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.5 Ampicillin.

(b) * * *
(5) * * *
(i) * * *

Difference = (Potency in micrograms per milligram/10)—percent ampicillin content.

(ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

c. In § 440.7(b)(5) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.7 Ampicillin trihydrate.

- (b) * * *
- (5) * * *
- (i) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

- (ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

d. In § 440.7a(b)(7) (i) and (ii) by revising the last sentence of the calculations, to read as follows:

§ 440.7a Sterile ampicillin trihydrate.

- (b) * * *
- (7) * * *
- (i) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

- (ii) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

e. In § 440.9a, by revising paragraph (b)(1) (i) and (ii)(b), and amending paragraph (b)(7) by revising the last sentence of the calculations, to read as follows:

§ 440.9a Sterile ampicillin sodium.

- (b) * * *
- (1) * * *

(i) *Sample preparation.* Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the iodometric assay or for the hydroxylamine colorimetric assay to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container, or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with either sterile distilled water or solution 1 to give a stock solution as specified above.

- (ii) * * *

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

- (7) * * *

Difference = (Potency in micrograms per milligram/10)-percent ampicillin content.

f. In § 440.41 by revising paragraph (a)(1)(vi), to read as follows:

§ 440.41 Nafcillin sodium monohydrate.

- (a) * * *
- (1) * * *

(vi) Its nafcillin content is not less than 82.0 percent.

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

3. Part 444 is amended in § 444.220(a)(1) by revising the third sentence and by revising paragraph (b)(4), to read as follows:

§ 444.220 Gentamicin sulfate injection.

- (a) * * *

(1) * * * Its potency is satisfactory if it contains not less than 90 percent nor more than 125 percent of the number of milligrams of gentamicin that it is represented to contain. * * *

- (b) * * *

(4) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 10.0 milligrams of gentamicin per milliliter.

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

4. Part 446 is amended in § 446.15(b)(5) by revising the fourth sentence, to read as follows:

§ 446.15 Demeclocycline.

- (b) * * *

(5) *Absorptivity.* * * * Exactly 6 minutes after the addition of the NaOH, determine the absorbance of the solution at a wavelength of 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. * * *

PART 448—PEPTIDE ANTIBIOTIC DRUGS

5. Part 448 is amended:

a. In § 448.30a by revising paragraph (a)(1) (i), (iv), and (v), by removing paragraph (a)(2) and redesignating paragraphs (a) (3) and (4) as (a) (2) and (3), respectively, and by revising

paragraphs (a)(3)(i), as redesignated, and (b), to read as follows:

§ 448.30a Sterile polymyxin B sulfate.

- (a) * * *
- (1) * * *

(i) Its potency is not less than 6,000 units of polymyxin B per milligram, on an anhydrous basis. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of polymyxin B that it is represented to contain.

(iv) It passes the safety test.

(v) Its loss on drying is not more than 7.0 percent.

- (3) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, residue on ignition, heavy metals, and identity.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot of this solution with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with sufficient solution 6 to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (c)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 20,000 units of polymyxin B per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an

aqueous solution containing 5 milligrams per milliliter.

(7) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(8) *Heavy metals.* Proceed as directed in § 436.208 of this chapter.

(9) *Identity.* (i) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 0.5 milliliter of triketohydrindene solution (1:1,000) and 2 drops of pyridine, boil for 1 minute, and cool; a blue color develops; and

(ii) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 5 milliliters of sodium hydroxide solution (1:10), mix well, and add, dropwise, 5 drops of cupric sulfate solution (1:100), mixing after the addition of each drop; a reddish-violet color is produced.

b. In § 448.930a, by revising paragraph (a)(1)(ii) and (iii) and the introductory text of paragraph (a)(3), by removing paragraph (a)(3)(v) and redesignating paragraphs (a)(3)(vi) and (vii) as (a)(3)(v) and (vi), respectively, and by revising the introductory text of paragraph (a)(4) and paragraphs (a)(4)(i) and (b), to read as follows:

§ 448.930a Polymyxin B sulfate for prescription compounding.

(a) * * *

(1) * * *

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 7.0 percent.

(3) *Labeling.* In addition to the requirements of § 432.5(a)(3) of this chapter, each package shall bear on its outside wrapper or container and on the immediate container the following:

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 5 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 436.207(a) of this chapter.

(6) *Identity.* (i) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 0.5 milliliter of triketohydrindene solution (1:1,000) and 2 drops of pyridine, boil for 1 minute, and cool; a blue color develops; and

(ii) To a solution of 2 milligrams of polymyxin B sulfate in 5 milliliters of water, add 5 milliliters of sodium hydroxide solution (1:10), mix well, and add, dropwise, 5 drops of a cupric sulfate solution (1:100) mixing after the addition of each drop; a reddish-violet color is produced.

c. In § 448.930b, by revising next-to-the last sentence and removing the last sentence in paragraph (a)(1), by revising the introductory text of paragraph (a)(3), paragraph (a)(3)(i)(a), by removing paragraph (a)(3)(ii)(c), and by revising paragraph (b) to read as follows:

§ 448.930b Sterile polymyxin B sulfate-benzalkonium chloride urethral lubricant.

(a) * * *

(1) * * * The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except sterility, pyrogens, and heavy metals.

(2) * * *

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) * * *

(a) The polymyxin B sulfate used in making the batch for potency, safety, pH, loss on drying, residue on ignition, and identity.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20(e)(1) of this chapter, except dissolve the ointment as follows: Aseptically transfer a portion of 0.25 gram from each of 10 immediate containers of the drug to 400 milliliters

of diluting fluid D in an Erlenmeyer flask. Repeat the procedure on another 10 immediate containers. Swirl the flasks to dissolve the ointment.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

6. Part 449 is amended:

a. In § 449.4 by revising the first sentence in paragraph (b)(2)(i) and by revising paragraph (b)(2)(v), to read as follows:

§ 449.4 Amphotericin B.

(b) * * *

(2) *Amphotericin A content—(i) Amphotericin A.* Dry approximately 20 milligrams of the nystatin working standard as described in § 436.200(a) of this chapter. * * *

(v) *Procedure.* Use a suitable ultraviolet spectrophotometer and 1-centimeter silica cells. Adjust the instrument to zero with the blank solution. Measure the absorbances of the solutions of nystatin standard, amphotericin B standard, and the sample at 304 nanometers and at 282 nanometers. Calculate the absorptivity of each standard at both wavelengths:

$$\text{Percent amphotericin B} \\ A = [(B \times S_2) - (b \times S_1)] \times 625 / W_s \times [(B \times a) - (b \times A)]$$

where:

A = Absorptivity of nystatin standard at 282 nanometers;
B = Absorptivity of amphotericin B standard at 282 nanometers;
a = Absorptivity of nystatin standard at 304 nanometers;
b = Absorptivity of amphotericin B standard at 304 nanometers;
S₁ = Absorbance of sample at 282 nanometers;
S₂ = Absorbance of sample at 304 nanometers;
W_s = Weight of sample in grams (on an anhydrous basis).

b. In § 449.40 by revising paragraph (b)(4), to read as follows:

§ 449.40 Natamycin.

(b) * * *

(4) *Identity.* Accurately weigh approximately 50 milligrams of the sample into a 200-milliliter volumetric flask. Add approximately 5.0 milliliters of distilled water, and completely moisten the sample. Then add approximately 100 milliliters of an acid-alcohol solvent (0.1 percent glacial acetic acid in methyl alcohol) and stir or

shake mechanically in the dark until solution is complete. Dilute to volume with the acid-alcohol solvent. Transfer 2.0 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with the acid-alcohol solvent. Using a suitable spectrophotometer with 1-centimeter cells and the acid-alcohol solvent as a blank, record the ultraviolet absorption spectrum from 215 to 330 nanometers. The spectrum compares qualitatively to that of the natamycin working standard similarly treated.

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

7. Part 450 is amended in § 450.220(a)(1) by revising the next-to-the last and last sentences, to read as follows:

§ 450.220 Dactinomycin for injection.

(a) * * *

(1) * * * Its pH is not less than 5.5 and not more than 7.5. The dactinomycin used conforms to the standards prescribed by § 450.20a(a)(1), except sterility, pyrogens, and LD₅₀.

PART 452—MACROLIDE ANTIBIOTIC DRUGS

8. Part 452 is amended:

§ 452.30a [Amended]

a. In § 452.30a *Sterile erythromycin gluceptate* by removing and reserving paragraph (a)(2).

b. By adding new § 452.230 to Subpart C, to read as follows:

§ 452.230 Sterile erythromycin gluceptate.

The requirements for certification and the tests and methods of assay for sterile erythromycin gluceptate packaged for dispensing are described in § 452.30a.

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice and public procedure and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, may become effective upon the date of publication in the *Federal Register*. However, interested persons may, on or before April 13, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may

submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before April 13, 1981, a written notice of participation and request for hearing, and (2) on or before May 12, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective March 13, 1981.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: February 4, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs,
Bureau of Drugs.

[FR Doc. 81-7839 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits contains the interest rates and factors for the period beginning April 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the Valuation of Plan Benefits regulation are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after April 1, 1981, and enables the PBGC to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, (amended by Pub. L. No. 96-364 (1980))

(41 FR 48484 *et seq.*). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before February 1, 1981. (29 CFR Part 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172).

On January 15, 1981, the PBGC published rates for plans that terminate on or after February 1, 1981 (46 FR 3510) and before the effective date of the next PBGC change in rates. Accordingly, since this notice changes the rates effective April 1, 1981, plans that terminate on or after February 1, 1981 and before April 1, 1981 will use the rates effective on February 1, 1981.

Appendix B is amended by this document to add a set of interest rates and factors for plans that terminate on or after April 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

On January 23, 1981, the PBGC issued a regulation which would make this interim regulation final (46 FR 9492 *et seq.*). On February 19, 1981, a notice was published in the Federal Register which deferred the effective date of that rule for one month until April 1, 1981 (46 FR 12970). When the final regulation becomes effective, the rates set forth in this amendment will be made applicable to the final regulation by a conforming technical amendment. If the effective date of the final rule is further postponed, the rates in this amendment are to be used with the formulas in the interim regulation.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the Federal Register, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the

rates and factors added by this publication are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after April 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the interim regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of \$100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2610 of Chapter XXVI Title 29, Code of Federal Regulations, is hereby amended by revising the heading of Table XXIII and by adding a new Table XXIV to Appendix B, as follows:

Appendix B—Interest Rates and Quantities Used To Value Benefits

• • • • •
XXIII. The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after February 1, 1981 and before April 1, 1981.
• • • • •

XXIV. The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after April 1, 1981.

I. Interest rate for valuing immediate annuities.

An interest rate of 10 percent shall be used to value immediate annuities, to compute the quantity "C_s" for deferred annuities and to value both portions of a cash refund annuity.

II. Interest rate for valuing death benefits.
An interest rate of 5 percent shall be used to value death benefits other than the

decreasing term insurance portion of a cash refund annuity.

III. Interest rates and quantities used for valuing deferred annuities.

The following factors shall be used to value deferred annuities:

- (1) $k_1 = 1.0925$
- (2) $k_2 = 1.08$
- (3) $k_3 = 1.04$
- (4) $n_1 = 7$
- (5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980)).

Issued at Washington, D.C., on this 11th day of March 1981.

Robert E. Nagle,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-3016 Filed 3-12-81; 8:45 am]

BILLING CODE 7708-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for; Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for home and condominium loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the

results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed home and condominium loans has not been sufficiently competitive to induce private sector lenders to make this type of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rate applicable to home loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

The increase in the maximum interest rate is accomplished by amending §§ 36.4311(a) and 36.4503(a) of Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: March 6, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 14 per centum per annum, effective March 9, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 14 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the

making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 14 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 16 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 81-7905 Filed 3-12-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1777-4]

Colorado; Approval and Promulgation of State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) today is approving Colorado's Regulation No. 7, "Control of Volatile Organic Compounds (VOC)" since it requires reasonably available control technology (RACT) for sources specified under EPA's Group I Control Technique Guidelines (CTG). Approval of Regulation No. 7 removes EPA's conditional approval of the regulation (45 FR 7802, February 5, 1980). EPA proposed to approve Regulation No. 7 on August 20, 1980, and solicited comments. No comments were received during the comment period.

EFFECTIVE DATE: April 13, 1981.

ADDRESSES: Copies of the materials submitted by the Governor of Colorado may be examined during normal business:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: Section 172(b) (2) and (3) of the Clean Air Act requires the application of reasonably available control technology (RACT) to stationary sources of volatile organic compounds (VOC) in areas in the State of Colorado which have not attained the national ambient air quality standard for ozone. A 1979 SIP revision was required to include RACT on those categories of sources for which EPA had published Control Technique Guidelines (CTGs) prior to January 1978. See 44 FR 20376 (April 4, 1979), 44 FR 30583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

In EPA's October 5, 1979, final rulemaking (44 FR 57405), EPA conditionally approved the portion of the Colorado SIP related to VOC source control (Regulation No. 7). EPA noted the following minor deficiencies:

1. VOC was defined as having vapor pressure of 0.1 pounds per square inch, which is considerably less restrictive than EPA's definition of 0.1 millimeter of mercury or ASTM test method D2369-73.

2. The controls for surface coating, cutback asphalt and degreasing did not represent RACT, since they were not equivalent to control measures supported by the technical information in EPA's Control Technique Guidelines (CTG) for VOC.

3. The requirement for an approved balanced vapor-recovery system did not specifically refer to the Colorado RACT design criteria.

4. The regulation provided an exemption for barometric-type condensers in use at petroleum refineries.

On July 18, 1979, in a letter to EPA, the Commission committed to revising Regulation No. 7 by July 1, 1980. On October 5, 1979, EPA conditionally approved Regulation No. 7 and proposed (44 FR 57428) that the State correct these deficiencies on a more expeditious schedule:

October 1, 1979—Draft regulations submitted to EPA

November 1, 1979—Notice of Public hearing

January 1, 1980—Public Hearing

March 1, 1980—Adopt new regulation

EPA solicited comment on the acceptability of this schedule and the State pointed out that their administrative requirements made the March 1, 1980, deadline unattainable. EPA extended the deadline to April 10, 1980 (45 FR 7802, February 5, 1980) because the State indicated that they could meet this expedited schedule rather than the July 1, 1980, deadline.

On June 5, 1980, the Governor of Colorado submitted to EPA the following amended rules:

Repeal and Repromulgation of Regulation No. 7 "A Regulation Control Emissions of Volatile Organic Compounds" and Revisions to Common Provisions Regulation as they relate to changes in Regulation No. 7.

The 15 source categories covered by the revised regulation are:

1. Section VI—Tank truck loading terminals.
2. Section VI—Bulk gasoline plants.
3. Section VI—Gasoline service stations—Group I control.
4. Section VI—Petroleum storage tanks.
5. Section VIII—Petroleum processing and refining.
6. Section IX—Can coating.
7. Section IX—Metal coil coating.
8. Section IX—Fabric coating.
9. Section IX—Paper products coating.
10. Section IX—Automobile coating.
11. Section IX—Metal furniture coating.
12. Section IX—Magnet wire coating.
13. Section IX—Large appliance coating.
14. Section X—Solvent metal cleaning.
15. Section XI—Cutback asphalt.

On August 26, 1980, (45 FR 56847) EPA proposed to approve Regulation No. 7 since it remedies the deficiencies identified in our October 5, 1979, rulemaking, except for the provision which exempts wastewater separators which utilize VOC with a vapor pressure

less than 1.5 pounds per square inch absolute from RACT requirements. EPA requested specific comments on this exemption. In an October 10, 1980, letter the State clarified that only one wastewater separator in the nonattainment area would fall under this exemption and that this particular wastewater separator was not subject to the regulations anyway.

The CTG's provide information on available control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes the revised Regulation No. 7 represents RACT for Group I CTG sources.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by May 12, 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.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

This notice of final rulemaking is issued under the authority of Section 11u of the Clean Air Act as amended (42 U.S.C. 7410).

Dated: January 27, 1981.

Walter C. Barber,
Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado 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 G—Colorado

1. Section 52.320(c)(22) is revised as follows:

§ 52.320 Identification of Plan

(C) * * *

(22) On June 5, 1980, the Governor submitted the following rules:

Repeal and repromulgation of Regulation No. 7 "A Regulation to Control Emissions of Volatile Organic Compounds" and revisions to the Common Provisions Regulations as they relate to changes in Regulation No. 7.

§ 32.328 [Removed]

2. § 32.328 is removed.

[FR Doc. 81-7880 Filed 3-12-81; 8:45 am]
BILLING CODE 6560-38-M

Proposed Rules

Federal Register

Vol. 46, No. 49

Friday, March 13, 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 1068

[Docket No. AO-178-A37]

Milk in the Upper Midwest Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals submitted by cooperative associations and handlers to amend certain provisions of the Upper Midwest milk marketing order. The proposals would change the pooling provisions for reserve supply plants, revise certain price zones within the marketing area, modify the handler provisions with respect to cooperative associations and revise the provisions concerning payments to individual producers. Proponents say that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: The hearing will begin on April 14, 1981.

ADDRESS: The hearing will be held at Radisson South Hotel, 7800 Normandale Boulevard, Minneapolis, Minnesota 55435.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at Radisson South Hotel, 7800 Normandale Boulevard, Minneapolis, Minnesota 55435, beginning at 9:00 a.m. local time, on

Tuesday, April 14, 1981, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practices and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small business. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Land O' Lakes, Inc.

Proposal No. 1

Revise § 1068.7(d)(4) (ii)(a) and (iii) to read as follows:

§ 1068.7 Pool plant.

(d) * * *

(4) * * *

(ii) * * *

(a) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer of milk supplies of the handler or supply unit. For these purposes a

supply unit may include two or more cooperative associations which have indicated to the market administrator that in the event of a call, they wish to be considered as one handler insofar as meeting the call requirements. No handler shall be allowed to qualify a plant or plants by shifting milk supplies from a distributing plant outside the call area to one within the call area.

(iii) Failure of a handler to comply with any announced shipping requirement, including making any significant change in his marketing operations that the market administrator determines has the effect of evading the announcement, shall result in immediate loss of pool status for all reserve supply plants of that handler. Any plant that loses pool status in this manner or that requests nonpool status may not qualify as a reserve supply plant for a period of one year from the date on which pool status was last held.

Proposal No. 2

Revise § 1068.9 by adding a new paragraph (h) to read as follows:

§ 1068.9 Handler.

(h) A supply unit that may consist of two or more cooperative associations which for purposes of meeting the shipping requirements under § 1068.7(d)(4) have notified the market administrator by August 1 of every year that they wish to be considered as one handler for the next twelve months.

Proposal No. 3

§ 1068.52 [Amended]

Amend § 1068.52(a)(2)(i) by removing "Washington County."

Proposal No. 4

§ 1068.9 [Amended]

Amend § 1068.9, by removing the language, "from the pool plant of another handler" in paragraph (b), and by removing the language, "of another handler" in paragraph (c).

Proposed by Kraft, Inc.

Proposal No. 5

Revise § 1068.7(d)(4)(ii)(a) to read as follows:

§ 1068.77 Pool plant.

- (d) * * *
- (4) * * *
- (ii) * * *

(a) Qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler or supply unit. For these purposes a supply unit may include two or more persons who are handlers pursuant to §§ 1068.7(d), 1068.9(b), or 1068.9(c) and who have indicated to the market administrator, prior to making shipments pursuant to such call that they wish to be considered as one handler for purposes of meeting the call requirements. No handler shall be allowed to qualify a plant or plants by shifting milk supplies from a distributing plant outside the call area to one within the call area.

Proposed by Clover Leaf From Marigold Foods, Inc.

*Proposal No. 6***§ 1068.73 [Amended]**

Revise § 1068.73 to provide that a handler who is purchasing milk directly from farmers not represented by a cooperative association who is collecting for them in the aggregate, make partial payment for milk received from the 1st through the 15th on the 3rd day of the following month and to properly word any or all paragraphs in this section so that no other dates are changed.

Proposed by Falls Dairy Company; Universal Foods Corporation; Lynn Dairy, Inc.; Sanna Division Beatrice Foods Company; Twin Town Cheese; and F&A Dairy Products Inc.

Proposal No. 7

Revise § 1068.73(a)(4) to read as follows:

§ 1068.73 Payments to producers and to cooperative associations.

(a) * * *

(4) On or before the 4th day of the month, each handler shall pay for skim milk and butterfat received during the first 15 days of the previous month as follows: If received from a producer for whom payment is not being made pursuant to paragraph (a)(2) and (3) of the section and who has not

discontinued shipping to such handler, at not less than the uniform price at his plant location for the preceding month, adjusted by the butterfat differential for the preceding month.

Proposed by Consolidated Badger Cooperative

Proposal No. 8

Amend § 1068.7(d)(4)(ii)(a) to read as follows:

§ 1068.7 Pool plant.

- (d) * * *
- (4) * * *
- (ii) * * *

(a) qualifying shipments to pool distributing plants within the call area may originate from any plant or producer milk supplies of the handler (including milk defined in § 1068.9(c)) provided that such qualifying shipments may not result from shifting milk supplies from a pool distributing plant outside the call area to one within the call area; and

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 9

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Aaron L. Reeves, 4570 W. 77th Street, Suite 210, Minneapolis, Minnesota 55435 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel

Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator,
Upper Midwest marketing area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on March 9, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7896 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139**Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market. The proposed suspension would remove the limit on such movements of milk during the months of March 1981 through July 1981.

DATE: Comments are due not later than March 20, 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: Maurice M. Martin, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

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 required 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 accrue 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 Lake Mead marketing area is being considered for March 1981 through July 1981:

§ 1139.13 [Amended]

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

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 20, 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 action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March through July 1981. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

The suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles all of the market's reserve milk supplies. The basis for the request is that in February the cooperative association disposed of its pool distributing plant. It thus no longer operates a pool plant at which it may receive milk from its members and through which it can balance the market's fluid milk needs. The cooperative indicated that in February several loads of milk had to be depooled since the current diversion limitations did not accommodate its new operating situation. Moreover, in view of the impending flush period, the cooperative expects that more of its reserve milk will have to be moved directly from farms to nonpool manufacturing plants.

Because of current marketing conditions, the cooperative expects its reserve milk supplies during March through July 1981 to exceed the quantity of producer milk that may be diverted from pool plants of other handlers to nonpool manufacturing plants under the order's present diversion limitations. The cooperative claims that without the suspension it will not be able to maintain producer status during this period for a number of its members who have regularly supplies the fluid milk needs of the market. The cooperative also states that the suspension will provide the necessary time to adjust its marketing operations.

Signed at Washington, D.C., on March 9, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-7897 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 1, 1980, the *Federal Register* published the Commission's proposed amendments to the minimum financial and related reporting requirements for futures commission merchants ("FCMs") (45 FR 79498). The Commission allowed ninety days for comment thereon, and the comment period expired on March 2, 1981.

Requests for a sixty-day extension of the comment period have been made by the Board of Trade of the City of Chicago, the Board of Trade Clearing Corporation, and the Chicago Mercantile Exchange. The Commission does not believe that an extension of the comment period for an additional sixty days will unduly delay the rulemaking proceeding, and expects that the additional time will permit interested persons to develop further comments and data which will assist the Commission in making findings respecting the necessity for the proposed regulations.

DATE: Accordingly, notice is hereby given that all comments on the Commission's proposed amendments to the minimum financial and related reporting requirements for FCMs (45 FR 79498, December 1, 1980) must be submitted by May 1, 1981.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, at the address listed above. Telephone: (202) 254-8955.

Issued in Washington, D.C., on March 9, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-7896 Filed 3-12-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 452

[Docket No. 79N-0459]

Erythromycin Estolate; Proposed Revocation of Provisions for Certification of Adult Dosage Forms; Hearing Before Advisory Committee and Reopening of Comment Period
Correction

In FR Doc. 81-12 appearing at page 14355 in the issue for Friday, February 27, 1981, make the following correction:

On page 14357, in the second column, under the heading "Open Public Hearing", in the fourth line, "CFR 143.35(c)" should have read "CFR 14.35(c)".

BILLING CODE 1505-01-M

21 CFR Part 452

[Docket No. 80N-0406]

Erythromycin Enteric-Coated Tablets; Revision of Disintegration Standard
Correction

In FR Doc. 81-36870 appearing at page 79091 in the issue of Friday November 28, 1980, make the following correction:

On page 79092, in the second column, the section heading, "§ 452.100b" should read "§ 452.110b".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY
44 CFR Part 60

[Docket No. FEMA-8]

Criteria for Land Management and Use in the National Flood Insurance Program

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: On August 3, 1979 (44 FR 45652) a proposed rule was published by the Federal Insurance Administration that would have allowed construction of dry floodproofed basements in all communities. The Federal Insurance Administration has reevaluated this proposal for consistency with the requirements of Executive Order 11988 and in the context of a number of flooding situations. Based on this

evaluation, FIA withdraws the proposed rule.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Johnson, Federal Insurance Administration, Washington, D.C. 20472, (202) 755-5581.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program's flood plain management criteria, set forth at 44 CFR 60.3, previously 24 CFR 1910.3, presently require that the lowest floor (including basement floor) of residential structures be elevated to or above the 100-year flood (i.e., base flood) elevation. Thus, the construction of residential basements is prohibited below the base flood elevation unless the community is granted an exception from that prohibition by the Administrator.

On August 3, 1979 (44 CFR 151) a proposed rule was published that would have allowed construction of dry floodproofed basements in all communities. The proposed rule was based on the results of a study prepared for the Department of Housing and Urban Development, *Manual for the Construction of Residential Basements in Non-Coastal Flood Environs*, prepared by the National Association of Home Builders Research Foundation, Washington, D.C. (U.S. Government Printing Office, March 1978) concluded that dry floodproofed residential basements can be safe and not inordinately expensive. Copies of the manual are available upon written request to the Federal Emergency Management Agency, Office of Federal Insurance Administration, 1725 I Street, NW, Washington, D.C. 20472.

This change was based on the premise that basements could be built safely and economically in all situation under a variety of physical conditions. The Federal Insurance Administration has reevaluated this proposal for consistency with the requirements of Executive Order 11988 and in the context of a number of flooding situations. It was determined that the proposed rule probably minimized risk to loss of property, but did not adequately minimize threats to public safety. No restrictions were placed on the use of floodproofed basements, possibly leading to the widespread use of basements in floodprone areas as sleeping rooms or for recreation or working space. In flash flood areas, in particular, lives could be lost due to the failure of improperly designed or constructed basements or due to the overtopping of the floodproofing measures by flash floods of greater than a one percent annual chance flood.

Allowing either situation to develop would be in direct conflict with sound flood plain management practices and with the mandates of Executive Order 11988.

Under the existing regulation, few exceptions have been granted. The primary reason for this has been general confusion over what types of data would have to be included in a request for a community exception along with an absence of clear standards that would provide a basis for determining whether or not granting an exception was warranted. FIA will provide specific guidance to communities requesting an exception to eliminate this confusion as to the information required and the standards to be applied.

In consideration of the foregoing, the proposed rule published in the *Federal Register* (44 FR 45652) on August 3, 1979, is hereby withdrawn.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19307))

(Catalog of Domestic Assistance Number 83.100 Flood Insurance)

Issued: February 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-7937 Filed 3-12-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Ch. I

[Docket No. 20274; FCC 81-72; Report No. 16206]

Intergovernmental Maritime Consultative Organization: Preparation of Recommended Operational Standards Applicable to Equipment Mandatorily Fitted Aboard Vessels Subject to the Safety of Life at Sea Convention

AGENCY: Federal Communications Commission.

ACTION: Sixth notice of inquiry.

SUMMARY: Notice of inquiry concerning proposed recommendations to the Safety of Life at Sea Convention by the Intergovernmental Maritime Consultative Organization (IMCO). This Notice provides an opportunity for the public to comment on material being developed by IMCO which will in due course be required on or be used by U.S. Marine Stations. The responses will be used as guidance for the United States Delegation to meeting of the Subcommittee on Radiocommunications.

DATES: Comments must be received on or before May 1, 1981, and Reply Comments must be received on or before June 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

March 2, 1981.

Comments Sought on Changes in Provisions of the Safety of Life at Sea Convention

The Commission is seeking comments from the public on changes in the provisions of the Safety of Life at Sea (SOLAS) Convention recommended by the Subcommittee on Radiocommunications and its Working Group on Operational Standards.

At the Subcommittee's September 29-October 3, 1980, meeting it reviewed and approved a number of amendments to the SOLAS convention. The FCC said while the Subcommittee's recommendations were not mandatory, it felt it should be guided by these operational standards for future rulemakings.

Therefore, it asked for comments on this matter.

The Subcommittee also recommended a "Requirements of the Future Global Maritime Distress and Safety System." It aimed to implement this system by 1990.

The Commission asked for comments on this proposal, particularly on the transition plan, shipboard equipment, carriage requirements, details on planned future equipment tests and drafting a new Chapter IV of the 1974 SOLAS Convention.

The Commission noted that comments received on both items would be used to

aid the members of the U.S. Delegation to prepare for the Subcommittee's meeting tentatively scheduled for this April in London.

Comments are due by May 1, 1981, and replies by June 1, 1981.

Action by the Commission February 25, 1981, by Sixth Notice of Inquiry (FCC 81-72), Commissioners Lee (Acting Chairman), Quello, Washburn, Fogarty and Jones, with Chairman Ferris not participating.

Federal Communications Commission,
William J. Tricarico,
Secretary.

For more information contact Charles Fisher at (202) 632-7175.

Note.—Due to the effort to minimize publishing cost, this brief announcement is printed herein in lieu of the document in its entirety which is available through the Commission's Public Information Office, Rm. 202, 1919 M St. NW., Washington, D.C. 20554.

[FR Doc. 81-7904 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 49

Friday, March 13, 1981

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Associated Electric Cooperative, Inc., Finding of No Significant Impact

The Associated Electric Cooperative, Inc., (Associated) of Springfield, Missouri, is arranging for Pollution Control Revenue Bond (PCRB) financing for the installation of additional electrostatic precipitators for Units 1 and 2 at the New Madrid generating plant. REA financing assistance in the form of a lien accommodation has been requested in this connection.

The plan to add additional precipitators to reduce particulate emissions was chosen after economic, engineering and environmental evaluations of various alternatives were considered. The alternatives included no action and a variety of modifications to the existing precipitators. The alternatives could not economically achieve the 99.6 percent particulate removal required by the State of Missouri.

The chosen alternative (additional precipitators) would meet the Missouri requirements. Arrangements for, and the schedule of the installation of the precipitators was negotiated by Associated and Missouri.

Associated prepared a Borrower's Environmental Report (BER) on the proposed precipitator installation. REA prepared an Environmental Assessment (EA) of the installation.

After a review of the BER and EA, REA concluded that the lien accommodation will not have a significant impact on the quality of the human environment and prepared this "Finding of No Significant Impact" (FONSI). This FONSI can be reviewed in the office of the Director (Room 5168, South Agriculture Building), Power Supply Division, Rural Electrification Administration, Washington, D.C. 20250

and at the office of the cooperative, Associated Electric Cooperative, Inc., 2814 South Golden, Springfield, Missouri 65801.

This program is listed in the catalog of the Federal Domestic Assistance, 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 4th day of March, 1981.

Joseph Zoller,

Administrator, Rural Electrification Administration.

[FR Doc. 81-7550 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Fourche Creek Watershed, Arkansas and Missouri

AGENCY: Soil Conservation Service,
Department of Agriculture.

ACTION: Notice of Availability of a
Record of Decision.

FOR FURTHER INFORMATION CONTACT:

Jack C. Davis, State Conservationist,
Soil Conservation Service, P.O. Box
2323, 700 West Capitol Avenue, Little
Rock, Arkansas 72203, telephone
number (501) 378-5445.

NOTICE: Jack C. Davis, responsible
Federal official for projects
administered under the provisions of
Public Law 83-566, 16 U.S.C. 1001-1008,
in the States of Arkansas and Missouri,
is hereby providing notification that a
record of decision to proceed with
project installation is available for this
watershed. Single copies of the record of
decision may be obtained from Jack C.
Davis at the above address.

(Catalog of Federal Domestic Assistance
Program No. 10.904, Watershed Protection
and Flood Prevention Program. Office of
Management and Budget Circular A-95
regarding State and local clearinghouse
review of Federal and federally assisted
programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7865 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-01-M

Grindstone-Lost-Muddy Creek Watershed, Missouri

AGENCY: Soil Conservation Service,
Department of Agriculture.

ACTION: Notice of Finding of No
Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth G. McManus, State
Conservationist, Soil Conservation
Service, 555 Vandiver Drive, Columbia,
Missouri 65201, telephone 314-442-2271.

NOTICE: Pursuant to Section 102(2)(C) of
the National Environmental Policy Act
of 1969; the Council on Environmental
Quality Guidelines (40 CFR Part 1500);
and the Soil Conservation Service
Guidelines (7 CFR Part 650); the Soil
Conservation Service, U.S. Department
of Agriculture, gives notice that an
environmental impact statement is not
being prepared for the remaining
measures to be constructed in the
Grindstone-Lost-Muddy Creek
Watershed, Clinton, Daviess, De Kalb,
and Gentry Counties, Missouri.

The environmental assessment of this
federally assisted action indicates that
the project will not cause significant
local, regional, or national impacts on
the environment. As a result of these
findings, Mr. Kenneth G. McManus,
State Conservationist, has determined
that the preparation and review of an
environmental impact statement are not
needed for the remaining measures in
this project.

Measures which remain to be
constructed include land treatment
supplemented by 1 grade stabilization
structure, 1 multiple-purpose floodwater
retarding and water supply structure,
and 20 single-purpose flood water
retarding structures.

The Notice of Finding of No
Significant Impact (FNSI) has been
forwarded to the Environmental
Protection Agency. The basic data
developed during the environmental
assessment are on file and may be
reviewed by contacting Mr. Kenneth G.
McManus. The FNSI has been sent to
various Federal, State, and local
agencies and interested parties. A
limited number of copies of the FNSI are
available to fill single copy requests at
the above address.

Implementation of the proposal will
not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance
Program No. 10.904, Watershed Protection
and Flood Prevention Program. Office of
Management and Budget Circular A-95
regarding State and local clearinghouse
review of Federal and federally assisted
programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7886 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-16-M

**Irvin Park Critical Area Treatment;
RC&D Measure, Pennsylvania**

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Irvin Park Critical Area Treatment RC&D Measure, Clearfield County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize heavy use areas in the park. Practices include grading, a grassed surface water diversion, cribbing, fencing, and critical area seeding with lime, fertilizer, and mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects

[FR Doc. 81-7887 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-16-M

**Ripley County R-4 School Critical Area
Treatment RC&D Measure, Missouri**

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314-442-2271, extension 3145.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ripley County R-4 School Critical Area Treatment RC&D Measure, Ripley County, Missouri.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include landgrading and shaping, topsoiling, and vegetative or gravel protection.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth G. McManus. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are

available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7886 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-16-M

**Scott Township Municipal Park Critical
Area Treatment RC&D Measure,
Pennsylvania**

AGENCY: Soil Conservation Service, U.S. Department of Agriculture

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Scott Township Municipal Park Critical Area Treatment RC&D Measure, Lackawanna County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize eroding areas of the park. Practices include a grassed waterway, surface and subsurface drains, minor grading, and critical area seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental

Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-85 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-7889 Filed 3-12-81; 8:45 am]

BILLING CODE 3410-16-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Seminars on Minimum Federal Guidelines and Requirements for Accessible Design

The Architectural and Transportation Barriers Compliance Board and the National Conference of States on Building Codes and Standards will conduct two-day seminars in each state on these guidelines which establish accessible design requirements that apply to buildings constructed, renovated, altered, leased, or assisted with Federal funds.

The program will provide state and local building officials, facilities engineers, procurement officers, maintenance personnel, model code officials, and building professionals with

uniform interpretation of the guidelines and requirements, and explore how the Federal guidelines differ in each state from existing requirements for handicapped individuals.

A prototype seminar is planned for the District of Columbia on March 19 and 20 at the Humphrey Center Auditorium, 300 Independence Avenue, SW., Washington, D.C. Meetings will run from 9:00 a.m. to 5:00 p.m. each day.

For further information, contact: Architectural and Transportation Barriers Compliance Board, 330 C St., SW., Washington, D.C. 20202 Susan Stoessel. (202/472-2700 voice or 202/245-1801 TDD).

Dated: March 9, 1981.

Mason H. Rose, V,
Chairperson.

[FR Doc. 81-7884 Filed 3-12-81; 6:45 am]

BILLING CODE 4000-07-M

CIVIL AERONAUTICS BOARD

[Docket No. 39871, etc.]

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended March 6, 1981

Subpart Q Applications

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

Date filed	Docket No.	Description
Mar. 2, 1981	39371	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its application for certificated authority to operate between the points in the United States and points in Switzerland, including specifically between the coterminal points Chicago, Illinois, and New York, N.Y./Newark, N.J., on the one hand, and the coterminal points Geneva and Zurich, Switzerland, on the other hand, be approved. Conforming Applications, motions to modify scope, and Answers may be filed by March 30, 1981.
Mar. 4, 1981	39383	Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Conforming Application of Air Florida, Inc. pursuant to Section 401 of the Act, requests an amendment of its certificate of public convenience and necessity for Route 197-F authorizing it to engage in air transportation with respect to persons, property and mail as follows: Between the terminal point Miami, Florida and the terminal point Santiago, Chile. Answers to conforming Application may be filed by March 18, 1981.
Mar. 4, 1981	39385	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Conforming Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity for Route 131 so as to authorize nonstop service between a terminal point in Chile. Answers to conforming Application may be filed by March 18, 1981.
Mar. 5, 1981	39390	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, seeks to combine its transatlantic authority on Route 192-F so that its certificate would be as follows: (1) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, and a point or points in Belgium, The Netherlands, Luxembourg and the Federal Republic of Germany on the other hand. (2) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand and the co-terminal points Korea, Hong Kong, Singapore, Malaysia, and Thailand, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar. 5, 1981	39391	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity to operate scheduled foreign air transportation of persons, property and mail as specified below: (i) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and a point or points in Jordan on the other hand. (ii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and a point or points in Taiwan on the other hand. (iii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand, and the co-terminal points Paris, Nice and Marseilles, France on the other hand. (iv) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), on the one hand and a point or points in Switzerland and Israel on the other hand. (v) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County, West Palm Beach, Miami and New Orleans) on the one hand, and a terminal point or points in Costa Rica on the other hand. (vi) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand and a point or points in Jamaica on the other hand. (vii) Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands on the one hand and a point or points in Finland on the other hand.

Date filed	Docket No.	Description
		World further requests that if and when granted, its present and proposed certificate authority be integrated as follows to permit World to combine service over the following segments: 1. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, and a point or points in Belgium, The Netherlands, Luxembourg, the Federal Republic of Germany, Finland, France, Switzerland, Israel and Jordan on the other hand. 2. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand and a point or points in Jamaica on the other hand. 3. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County, West Palm Beach, Miami and New Orleans) on the one hand, and a terminal point or points in Costa Rica on the other hand. 4. Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach) on the one hand and the co-terminal points Korea, Hong Kong, Singapore, Malaysia, Thailand and Taiwan on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar. 5, 1981	39392	World Airways, Inc., Oakland International Airport, Oakland, California 94614. Application of World Airways Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests that this certificate be amended to permit World to provide all cargo service to the following points in addition to its current authority: Shannon, Ireland; Switzerland; Greece, Egypt; Libya; Turkey; Nigeria; the United Arab Emirates; Korea; Taiwan; Hong Kong; Malaysia; and Singapore. World requests that the Board issue a certificate integrating its present and proposed authority as follows: Between a point or points in the United States (other than Sarasota/Bradenton, Orange County and West Palm Beach), Puerto Rico and the Virgin Islands, on the one hand, and Shannon, Ireland, or a point or points in Belgium, The Netherlands, France, the Federal Republic of Germany, Italy, Switzerland, Greece, Egypt, Libya, Turkey, Nigeria, the United Arab Emirates, Korea, Taiwan, Hong Kong, Malaysia and Singapore on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by April 2, 1981.
Mar. 6, 1981	39393	Transocean Air Lines, Inc., Orville G. Tigerman, P.O. Box 8154, Newport Beach, California 92660. Application of Transocean Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and necessity authorizing it to engage in: Foreign charter air transportation of property between any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and any point in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as, and including, India. Conforming Applications, motions to modify scope, and Answers may be filed by April 3, 1981.
Mar. 6, 1981	39395	Yukon Air Service, Inc. d/b/a Air North and Nenana Air Service, Post Office Box 60054, Fairbanks, Alaska 99706. Application of Yukon Air Service, Inc. d/b/a Air North and Nenana Air Service, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity be amended to read as follows: Between the terminal point Alakaket, the intermediate points: Anaktuvuk Pass; Anchorage; Arctic Village; Barrow; Beläver; Bettles; Birch Creek; Central; Chalkyitsik; Circle; Eagle; Fairbanks; Fort Yukon; Galena; Hughes; Huslia; Kaktovik (Barter Island); Kotzebue; Manley Hot Springs; McGrath; Minchumina; Minto; Nenana; Nome; Prudhoe Bay; Rampart; Ruby; Stevens Village; Tanana; Umiat; and the terminal point Venetie, Alaska. Conforming Applications, motions to modify scope, and Answers may be filed by April 3, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-7918 Filed 3-12-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1981 under the provisions of title 13, United States Code, sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multi-establishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1981.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20223.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before May 12, 1981 will receive consideration.

Dated: March 10, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc 81-7905 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Leather Wearing Apparel From Argentina; Suspension of Investigation

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Suspension of Countervailing Duty Investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving leather wearing apparel from Argentina.

EFFECTIVE DATE: March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Vince Kane, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, DC 20230 (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 15, 1981, the Department

of Commerce (the Department) issued an affirmative preliminary countervailing duty determination in its countervailing duty investigation involving leather wearing apparel from Argentina. (46 FR 3582). In that determination, the Department preliminarily determined that reimburse export payments and a pre-export financing program constituted "bounties or grants" (subsidies).

On February 5, 1981, the Department published a "Notice of Proposal Concerning Suspension of Investigation" (46 FR 10972) which informed the public that based on actions taken by the Government of Argentina, which were described in that notice, the Department was proposing that the countervailing duty investigation be suspended under section 704(b) of the Tariff Act of 1930, as amended. (19 U.S.C. 1671c(b)).

Scope of the Investigation

The merchandise covered by this investigation is leather wearing apparel currently classified in item number 791.76 of the Tariff Schedules of the United States. These products include leather coats and jackets for men, boys, women, girls and infants and other leather wearing apparel products including leather vests, pants and shorts. Number 791.76 of the Tariff Schedules of the United States also

includes outer leather shells and parts and pieces of leather wearing apparel as designated in the tariff number.

Suspension of Investigation

In accordance with section 704(e) of the Tariff Act of 1930 (hereinafter "the Act"), the petitioner was informed of, and consulted with concerning, the agreement upon which the proposed suspension was based, and was provided an explanation of how the agreement will be carried out and enforced and why the Department felt it would meet the criteria for suspension. The petitioner was also given an opportunity to comment. Other parties to the investigation were notified of the proposed agreement and were permitted to submit comments.

The Department has considered the comments submitted with respect to the proposed suspension. We have determined that the criteria for suspension of an investigation have been satisfied.

We are satisfied that the agreement completely eliminates any subsidy on exports to the United States, can be monitored effectively and is in the public interest. The terms and conditions of the agreement are set out in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the liquidation of entries of leather wearing apparel suspended effective January 15, 1981, as directed in the Preliminary Affirmative Countervailing Duty Determination is terminated. Any cash deposits on entries of leather wearing apparel from Argentina pursuant to that suspension of liquidation shall be refunded and any bonds or other security shall be released.

The Department intends to conduct an administrative review within twelve months of the publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, The Government of Argentina has requested that the investigation be continued for purposes of having the Commerce Department reach a final determination as to whether the programs involved are subsidies within the meaning of the countervailing duty law. The Department shall issue a final determination on this question no later than March 24, 1981.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Dated: March 10, 1981.

John D. Greenwald,
Deputy Assistant Secretary for Import
Administration.

Annex 1, Agreement

A. Product Coverage

Merchandise Affected: Leather wearing apparel currently provided for in item number 791.76 of the Tariff Schedules of the United States. These products include leather coats and jackets for men, boys, women, girls and infants and other leather wearing apparel products including leather vests, pants and shorts. Outer leather shells and pants and pieces of leather wearing apparel are also covered.

B. Basis for the Agreement

1. Pursuant to Resolution ME No. 91/81 dated January 28, 1981, no shipments of Argentine leather wearing apparel to the United States on or after January 28, 1981 will benefit directly or indirectly from any reembolso payment constituting a subsidy.

2. The Government of Argentina, through its Central Bank, will not provide directly or indirectly the preferential pre-export financing program found to be a subsidy in the Commerce Department's preliminary determination on any shipments of leather wearing apparel to the United States on or after January 28, 1981.

3. The Government of Argentina also certifies that no new or equivalent program will be provided as a substitute for the program eliminated by virtue of the actions described above.

C. Monitoring

The Government of Argentina agrees to:

1. Notify the Department if it contemplates, or decides to change its position with respect to any of the terms of the Agreement; and

2. Permit such verification and data collection as is requested by the Department in order to monitor the Agreement. The Department shall request such information and perform such verifications periodically pursuant to annual reviews conducted under section 751 of the Act.

D. Reopening of Investigation

The Department shall reopen the investigation with respect to leather wearing apparel that are subject to this Agreement if the Department determines that the Government of Argentina has not honored its obligations under the Agreement. Additionally, the Department will reopen the investigation if it determines that the suspension is no longer in the public

interest or that effective monitoring is no longer practicable.

E. Other Provisions

The Government of Argentina requests that the Department complete its investigation as soon as possible and issue a final determination notwithstanding this Agreement to suspend the investigation. The right to request the continuation of the investigation is provided for in section 704(g) of the Act. The Government of Argentina is requesting this continuation so that the Commerce Department may fully analyze all data supplied in support of the Argentine position that the reembolso is a bona fide non-excessive rebate of allowable indirect taxes and more precisely calculate the actual level of utilization and incidence of the pre-export financing program.

Signed on this twenty eighth day of January 1981.

Government of Argentina,
By Santiago Murray.

I have determined that the provisions of paragraph B eliminate the possibility of any unfair trade practices which were the subject of this investigation, and that the provisions of paragraph C ensure that this Agreement can be monitored effectively. Therefore, I have determined that this Agreement to suspend this investigation meets the requirements of section 704(b) of the Act and is in the public interest as required in section 704(d) of the Act.

U.S. Department of Commerce.

By John Greenwald,
Deputy Assistant Secretary for Import
Administration.

[FR Doc. 81-7065 Filed 3-12-81; 8:45am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Renewal

AGENCY: U.S. Department of Commerce, National Oceanic and Atmospheric Administration.

ACTION: Notice of Renewal for the Marine Fisheries Advisory Committee.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 (as revised), and after consultation with GSA, the Secretary has determined that the renewal of the Marine Fisheries Advisory Committee (MAFAC) is in the public interest in connection with the performance of duties imposed on the Department by law.

SUPPLEMENTARY INFORMATION: The MAFAC was first established by the Secretary of Commerce on February 17, 1971, and was last renewed on January 19, 1979. Its purpose is to advise the Secretary of Commerce on matters pertinent to the Department's responsibilities for fisheries resources and on means to facilitate cooperation between public and private interests in these matters.

Records of Committee recommendations as well as actions taken by the Department on the recommendations are prepared, printed, and disseminated to an extensive mailing list. The recommendations of the Committee have been of substantial value to the National Oceanic and Atmospheric Administration (NOAA) and the National Marine Fisheries Service (NMFS) as well as the Department. In its advisory role on fisheries matters, MAFAC has recommended policy, evaluated programs and sometimes recommended changes as a result, suggested means of coordination within the Federal Government and provided information on various fishery problems. These recommendations and information provided by the Committee have been utilized as appropriate by the Secretary, the Administrator, NOAA, and the planning, and accomplishment of program objective.

Advice and recommendations obtained from the Committee could not be obtained as effectively from other sources within NOAA or the Department of from any other existing advisory committee of the Department or another Federal agency. The Committee membership represents a collective voice for the many and diverse interests concerned with marine fishery resources.

The Committee will continue with a balanced representation of not more than 27 members who will be appointed by and serve at the discretion of the Secretary of Commerce. Representatives will be sought from the commercial and recreational fishing industry, academic and conservation communities, state governments and consumer interests.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Body and in compliance with the provisions of the Federal Advisory Committee Act (FACA). Copies of the revised charter will be filed with the appropriate committees of the Congress and with the Library of Congress concurrent with the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230. A copy of the Committee's detailed justification for renewal is available upon request.

Dated: March 9, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-7901 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-17-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
 - a. Name Marine Life Aquarium P158B.
 - b. Address Keystone Route Box 134A, Rapid City, South Dakota 57701.
2. Type of Permit Public Display.
3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*) 3.
4. Type of Take: Capture by hoop nets.
5. Location of Activity: Melbourne, Florida.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The

holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 9, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81-7900 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the Bluefish Fishery Management Plan (FMP), status of other FMPs, foreign fishing applications, as well as other fishery management and administrative matters.

DATES: The public meetings will convene on Wednesday, April 8, 1981, at approximately 9 a.m., and will adjourn on Thursday, April 9, 1981, at approximately 4 p.m. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Sheraton Inn-Coliseum, 1215 W. Mercury Boulevard, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7901 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's, Bluefish Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Bluefish Subpanel, which will meet to discuss the draft Bluefish Fishery Management Plan as well as other fishery matters.

DATES: The public meeting will convene on Friday, April 3, 1981, at approximately 10:30 a.m., and will adjourn at approximately 3:30 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid Atlantic Fishery Management Council, Room 2116, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7932 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94-409, notice is hereby given of public meeting with a Partially closed session of the New England Fishery Management Council, which was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act. A civil action has been brought against the Department of Commerce/National Oceanic and Atmospheric Administration/National Marine Fisheries Service and the New England Fishery Management Council by Fass Brothers, Inc., a Delaware corporation requesting that the Atlantic Groundfish Fishery Management Plan (FMP) be

deemed null and void and of no effect and force.

Meeting Agendas

Council (open meeting)—review of Atlantic Groundfish and Lobster FMP's and discussion of report on environmental affairs.

Council (closed session)—(1) discussion of pending litigation in which the Council and its members individually are defendants and (2) discussion of Council procedures governing Council staff members. Only Council members and required staff will be allowed to attend this closed session.

DATES .

Council (open meeting) March 24-25, 1981 (10 a.m. to 3 p.m., on March 24; 9 a.m. to 5 p.m., on March 25)

Council (closed session) March 24, 1981 (3 p.m. to 5 p.m.)

ADDRESS: The meeting will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on March 9, 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 items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(10), as information which specifically concerns the agency's participation in a civil action, or 5 U.S.C. 552b(c)(2), as information which relates solely to the internal personnel rules and practices of an agency, and 5 U.S.C. 552b(c)(6), as 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 Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: March 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7903 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), and the Council has established an Anchovy/Jack Mackerel Subpanel, which will meet to discuss matters concerning the Anchovy Fishery Management Plan, specifically the anchovy size limit and the procedures for announcing the preliminary biomass estimate.

DATES: The public meeting will convene on Tuesday, April 7, 1981, at approximately 10:30 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at the offices of the California Department of Fish and Game, 350 Golden Shore, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: March 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-7904 Filed 3-12-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 13, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (45 FR 83650) of proposed

addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 0782

Grounds Maintenance, U.S. Custom House, 6 World Trade Center, New York, New York
C. W. Fletcher,

Executive Director.

[FR Doc. 81-7859 Filed 3-12-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 15, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7930

Rinse Additive, Dishwashing, 7930-00-619-9575 (Increase from 80% to 100% of Government requirement)

SIC 0782

Lawn Maintenance, Area 11, Naval Weapons Station, Yorktown, Virginia

C. W. Fletcher,

Executive Director.

[FR Doc. 81-7800 Filed 3-12-81; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Diamond Rug & Carpet Mills, Inc.; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Diamond Rug & Carpet Mills, Inc., a Georgia corporation, Eton, Georgia, in which it agrees to manufacture and sell products that conform to the Flammable Fabrics Act, all applicable regulations issued thereunder and the Standard for the Surface Flammability of Carpets and Rugs; to recall, and process into conformance or destroy certain carpet, style "Vista," and to maintain certain records and to file requested reports. If finally accepted, this consent agreement will settle allegations of the Commission staff that Diamond Rug & Carpet Mills, Inc. has violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Claire B. Marcus, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. (Phone (301) 492-8626).

Dated: March 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of Diamond Rug & Carpet Mills, Inc., a corporation.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of Diamond Rug & Carpet Mills, Inc. (Consenting Party). The Consenting Party is willing to enter into an agreement with the Commission containing an order to cease and desist, pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's procedures for Investigations, Inspections and Inquiries under the Flammable Fabrics Act (16 CFR 1605.13).

1. *The Consenting Party and the Commission Staff Stipulate and Agree That:*

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*, the Federal Trade Commission Act 15 U.S.C. 41 *et seq.*, and the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

(b) The Consenting Party is a corporation organized and doing business under the laws of the State of Georgia. Its office and principal place of business is located at Highway 411 North, Eton, Georgia 30724.

(c) The Consenting Party engages or did engage in the manufacture and sale of "carpets" and "rugs" as those terms are defined in section 1630.1 of the Standard for the Surface Flammability of Carpets and Rugs (16 CFR 1630.1).

(d) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

2. *The Consenting Party Stipulates and Agrees That:*

(a) The terms of the Order contained in this Agreement shall take effect upon its receipt of written notice that the Commission accepts the Agreement; the Commission may disclose terms of the Agreement and Order to the public; and the Agreement and order shall be available for public viewing at the office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

(b) It waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, it shall file with the Commission a written, verified and notarized compliance report detailing its compliance with this Order.

3. The Consenting Party Acknowledges That:

(a) It may be liable for a civil penalty of not more than \$10,000 for each violation of the Order after the Order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. The Commission Staff Stipulates and Agrees That:

This agreement is for settlement purposes only and does not constitute an admission by the Consenting Party that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. Upon Acceptance of This Agreement the Commission May Issue the Following Order:

Order

I

It is ordered that Diamond Rug & Carpet Mills, Inc. (Corporation) and its agents, assigns, successors, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (Standard), 16 CFR Part 1630.

II

It is further ordered that the Corporation, its agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics

Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III

It is further ordered that the Corporation shall notify the 27 known consignees who have purchased or otherwise received carpeting style "Vista" that it does not comply with the acceptance criterion of the Standard, and that any consignee who has purchased or otherwise received style "Vista" carpeting may return it to the Corporation, by "freight collect," so that no expense is incurred by the consignee, for replacement with complying carpet or a complete refund of the original purchase price at the option of the Corporation.

IV

It is further ordered that the Corporation shall process the products referred to in Paragraph III above, which were recalled or are in inventory, so as to bring them into conformance with the Standard or destroy the products.

V

It is further ordered that the Corporation shall maintain for a period of one year from the date of service of this Order records/evidence sufficient to establish that any carpeting in style "Vista," which may be in inventory or returned by customers has been:

- (a) Processed so as to bring it into conformance with the applicable Standard under the Flammable Fabrics Act, and subsequent disposition, or
- (b) Destroyed in accordance with the provisions of this Order.

VI

It is further ordered that for a period of 5 years from the date of acceptance of this Agreement by the Commission the Corporation notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the Corporation which may affect compliance obligations arising out of this Order.

VII

It is further ordered that the Corporation shall distribute a copy of

this Order to each of its operating divisions.

VIII

It is further ordered that the Corporation shall, within fifteen (15) days after service upon it of this Order, file with the Commission a special report in writing setting forth the manner in which it intends to comply with this Order.

IX

The Commission may, in accordance with the applicable law, conduct inspections or require written reports, or both, to determine compliance with this Order, and may direct the Corporation to submit samples of carpet and rugs being distributed by it, for to permit the Commission to collect samples of such carpet and rugs to test in accordance with the Standard. The Commission may, in accordance with the applicable law, examine and/or require the submission of copies of records to establish compliance by the Corporation with all provisions of this Order.

Signed this 21st day of April, 1980.

Diamond Rug & Carpet Mills, Inc., a corporation.

Edward Weaver,
President.

Claire B. Marcus,
Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7000 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

Lafayette Junior Moore; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Lafayette Junior Moore, individually and as a partner of Carpet Specialists, Rocky Face, Georgia 30740, in which he agrees, among other things, to cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States any product, fabric or related material which fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (Standard), 16 CFR Part 1630. If finally accepted, this consent agreement will settle allegations of the Commission staff that Lafayette Junior Moore has failed to comply with the provisions of the Standard in violation

of the Flammable Fabrics Act, 15 U.S.C. 1191 *et seq.*

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in, or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Earl A. Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207. Phone: (301) 492-6629.

Dated: March 8, 1981.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order to Cease and Desist

In the matter of Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership. Mr. Moore, as a partner of Carpet Specialists (Consenting Party), is willing to enter into an agreement with the Commission containing an order to cease and desist.

1. Therefore, the consenting party and counsel for the Commission agree that:

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the following Acts: the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*); and the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*).

(b) Lafayette Junior Moore is a partner of Carpet Specialists. He participates in the formulation, direction, and control of the acts, practices, and policies of Carpet Specialists, a partnership organized and doing business under the laws of the State of Georgia.

(c) The Consenting Party engages or did engage in the manufacture and sale, in commerce, of carpets and rugs. His office and principal place of business is located at 3054 Hurricane Road, Rocky Face, Georgia 30740; P.O. Box 246.

(d) The Consenting Party is now and has been engaged in one or more of the following: the manufacture for sale, sale or offering for sale, in commerce, and

the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce, of products, as the terms "commerce" and "product" are defined in the Flammable Fabrics Act, which products are subject to the requirements of the Flammable Fabrics Act, the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), and the Rules and Regulations issued under the Standard and the Act.

(e) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

2. The consenting party agrees that:

(a) The terms of the Order contained in this Agreement shall take effect upon his receipt of written notice that the Commission accepts the Agreement, that the Commission may disclose terms of the Agreement and Order to the public, and that the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111, 18th Street NW., Washington, D.C. 20207.

(b) He waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, he shall file with the Commission a written, verified and notarized compliance report detailing his compliance with this order.

3. The consenting party acknowledges that:

(a) He may be liable for a civil penalty of not more than \$10,000 for each violation of the Order after the order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. Counsel for the Commission agrees that:

This Agreement is for settlement purpose only and does not constitute an admission by the Consenting Party that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. Upon acceptance of this agreement the Commission may issue the following order:

Order

I

It is ordered that Lafayette Junior Moore, individually and as a partner of Carpet Specialists, a partnership, and his agents, assigns, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment, in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material fails to conform to the requirements of the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (Standard), 16 CFR 1630 *et seq.*

II

It is further ordered that Mr. Moore, individually and as a partner of Carpet Specialists, his agents, assigns, representatives, and employees directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III

It is further ordered that Mr. Moore, individually and as a partner of Carpet Specialists, shall within fifteen (15) days after service upon him of this Order, file with the Commission a special report in writing setting forth the manner in which he intends to comply with this Order.

IV

It is further ordered that for a period of 10 years from the date of issuance of this order, that Mr. Moore shall notify the Commission at least 30 days prior to any proposed change in the partnership such as dissolution, assignment or sale resulting in a successor firm, or any other change that may effect compliance obligations out of this Order.

V

It is further ordered that for a period of 10 years from the date of issuance of the order, that Mr. Moore shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VI

It is further ordered that Mr. Moore, as a partner of Carpet Specialists, (1) shall permit the Commission to conduct inspections of the partnership, to examine the partnership's books, records and accounts relating to the manufacture, sale and distribution of carpets, and to collect samples of carpet manufactured and distributed by the partnership, and (2) shall, upon request of the Commission, submit written reports, verified copies of the partnership's books, records and accounts, and samples of carpet manufactured and distributed by the partnership, to enable the Commission to determine their compliance with this Order.

VII

The requirements of this Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Sections 7 of the Flammable Fabric Act, the rules, regulations, and standards promulgated thereunder, or any other provision of Federal law.

Signed this 20th day of May 1980.

Lafayette Junior Moore,
Individually and as a partner of Carpet Specialists.

Eric N. Wise,
Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7901 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

Samor Broome Corp. and Joseph Kahn; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Samor Broome Corp., a New York corporation, New York, New York, and Joseph Kahn, the treasurer of said corporation, in which they agree to manufacture and sell products that conform to the Flammable Fabrics Act and all applicable regulations issued thereunder, including the Standards for the Flammability of Children's Sleepwear; agree to process into conformance or destroy, flannel-type fabrics imprinted with juvenile designs or fabrics otherwise intended or promoted for use in children's sleepwear; and agree to maintain certain records and to file requested reports. If finally accepted, this consent agreement will settle allegations of the Commission staff that Samor Broome Corp. and Joseph Kahn have violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Earl A. Gershenow, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. (Phone (301) 492-6629).

Dated: March 6, 1981.

Sadye E. Dunn,
Secretary Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of Samor Broome Corp., a corporation, and Joseph Kahn, individually and as an officer of the corporation.

The staff of the Consumer Product Safety Commission (Commission) has

investigated certain practices of Samor Broome Corp., a corporation, and Joseph Kahn, individually and as an officer of the corporation. The corporation and Joseph Kahn (Consenting Parties) are willing to enter into an agreement with the Commission containing an order to cease and desist, pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's Procedures for Investigations, Inspections and Inquiries under the Flammable Fabrics Act (16 CFR 1605.13).

1. *The consenting parties and the Commission staff stipulate and agree that:*

(a) The Consumer Product Safety Commission has jurisdiction in this matter under the Flammable Fabrics Act, as amended (FFA) 15 U.S.C. 1191 *et seq.*, the Federal Trade Commission Act, as amended (FTCA), 15 U.S.C. 41 *et seq.*, and the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*

(b) Samor Broome Corp. is a corporation organized and doing business under the laws of the State of New York, with its principal place of business located at 490 Broadway, New York, New York.

(c) Joseph Kahn is the Treasurer and principal stockholder of the corporation. He formulates, directs, and controls the acts, practices and policies of the corporation.

(d) The Consenting Parties engage or did engage (1) in the manufacture for sale, sale, and offering for sale, in commerce, of "fabric pieces" as that term is defined in Section 1615.1(i) of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) 16 CFR Part 1615, and Section 1616.2(h) of the Standard for the Flammability of Children's Sleepwear Sizes 7 through 14 (FF 5-74), 16 CFR Part 1616 (Standards); and (2) in the manufacture for sale, sale, and offering for sale, "in commerce," of "fabric" as those terms are defined in Sections 2(b) and 2(f) of the FFA, 15 U.S.C. 1191(b) and (f), respectively.

2. *The consenting parties stipulate and agree that:*

(a) The terms of the Order contained in this Agreement shall take effect upon their receipt of written notice that the Commission accepts the Agreement; the Commission may disclose terms of the Agreement and Order to the public; and the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

(b) They waive any and all rights to an administrative or judicial hearing and

to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order.

(c) Within 15 days of receipt of the Commission's written acceptance of this Agreement, they shall file with the Commission a written, verified and notarized compliance report detailing their compliance with this Order.

(d) No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Agreement and Order.

3. The consenting parties acknowledge that:

(a) They may be liable for a civil penalty of not more than \$10,000 for each violation of the Order after the Order becomes effective.

(b) The requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

4. The Commission staff stipulates and agrees that:

This Agreement is for settlement purposes only and does not constitute an admission by the Consenting Parties that the law has been violated. Therefore, if this Agreement is not accepted by the Commission it may not be used in adjudicative proceedings, either administrative or judicial.

5. Upon acceptance of this agreement the Commission may issue the following order:

Order

I

It is ordered that Samor Broome Corp. (Corporation) and Joseph Kahn, individually and as an officer of the corporation, and their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which

product, fabric or related material is subject to and fails to meet the test criterion of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71), 16 CFR Part 1615, and the Standard for the Flammability of Children's Sleepwear: sizes 7 through 14 (FF 5-74), 16 CFR Part 1616, (Standards).

II

It is further ordered that the Corporation and Joseph Kahn, their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale, or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standards.

III

It is further ordered that the Corporation and Joseph Kahn shall maintain for a period of one year from the date of service of this Order records/evidence sufficient to establish that all flannel-type fabrics imprinted with juvenile designs or fabrics otherwise intended or promoted for use in children's sleepwear, which may be in inventory and which are subject to and fail to meet the test criteria of the Standards, have been:

- (a) processed so that such fabrics meet the test criteria of the Standards, or
- (b) destroyed.

IV

It is further ordered that for a period of 10 years from the date of acceptance of this Agreement by the Commission the corporation and Joseph Kahn shall notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation which may affect compliance obligations arising out of this Order.

V

It is further ordered that for a period of 10 years from the date of the acceptance of this Agreement by the Commission, Joseph Kahn shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation

with a new business or employment. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

VI

The Commission may, in accordance with the applicable law, conduct inspections or require written reports, or both, to determine compliance with this Order, and may direct the Corporation to submit samples of fabrics being distributed by it, or to permit the Commission to collect samples of such fabrics to test in accordance with the Standards. The Commission may, in accordance with applicable law, examine and/or require the submission of copies of records to establish compliance by the Corporation with all provisions of this Order.

VII

The requirements of this Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

VIII

It is further ordered that the Corporation and Joseph Kahn shall, within fifteen (15) days after service upon them of this order, file with the Commission a special report in writing setting forth the manner in which they intend to comply with this Order.

IX

It is further ordered that the Corporation shall distribute a copy of this Order to each of its operating divisions.

Signed this 21st day of October 1980.
Samor Broome Corp., a corporation, Joseph Kahn, 490 Broadway, New York, N.Y. 10012; Joseph Kahn, individually and as an officer of Samor Broome Corp.

Claire B. Marcus,

Counsel for the Consumer Product Safety Commission.

October 28, 1981.

[FR Doc. 81-7902 Filed 3-12-81; 8:45 am]

BILLING CODE 6355-01-M

**San Francisco Shirt Works, Inc.;
Provisional Acceptance of Consent
Agreement**

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of Consent Agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by San Francisco Shirt Works, Inc., a California corporation, with its principal place of business located at 1111 17th Street, San Francisco, California 94107, in which it agrees to import and sell ladies' wearing apparel that conforms to the Flammable Fabrics Act, all applicable regulations issued thereunder, and the Standard for the Flammability of Clothing Textiles. If finally accepted, this consent agreement will settle allegations of the Commission staff that San Francisco Shirt Works, Inc., has violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by March 30, 1981.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in, or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Stephen E. Joyce, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. (Phone 301-492-8632).

Dated: March 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Agreement Containing Consent Order To Cease and Desist

In the Matter of San Francisco Shirt Works, Inc., a Corporation.

The staff of the Consumer Product Safety Commission (Commission) has investigated certain practices of San Francisco Shirt Works, Inc., a Corporation. San Francisco Shirt Works, Inc. is willing to enter into an Agreement containing an Order to Cease and Desist with the Commission staff pursuant to the procedure for consent order agreements contained in section 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act (FFA), 16 CFR 1605.13.

Therefore, the San Francisco Shirt Works, Inc. and counsel for the Commission agree:

1. That the Consumer Product Safety Commission has jurisdiction in this matter under the following acts: The

Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); The Federal Trade Commission Act (15 U.S.C. 41 *et seq.*); and the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*).

2. That San Francisco Shirt Works, Inc., is a corporation, organized and doing business under the laws of the State of California.

3. That San Francisco Shirt Works, Inc. engages in the importation and sale of ladies' wearing apparel; and that its office and principal place of business is located at 1111 17th Street, San Francisco, California 94107.

4. That San Francisco Shirt Works, Inc. is now and has been engaged in one or more of the following: the manufacture for sale, sale or offering for sale, in commerce, or the importation into the United States, and the introduction, delivery for introduction, transportation and causing to be transported in commerce, and the sale or delivery after sale or shipment in commerce, of wearing apparel as the terms "commerce" and "wearing apparel" are defined in the Flammable Fabrics Act, which wearing apparel is subject to the requirements of the Flammable Fabrics Act, the Standard for the Flammability of Clothing Textiles, 16 CFR Part 1610 and the rules and regulations promulgated under the Flammable Fabrics Act (16 CFR Part 1610, Subpart B).

5. That no agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Order.

6. San Francisco Shirt Works, Inc. agrees:

(a) That the terms of the Order take effect upon its receipt of written notice that the Commission accepts the Consent Agreement; that the Commission may disclose the terms of the Agreement and Order to the public; and that the Agreement and Order shall be available for public viewing at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207;

(b) That it waives any and all rights to an administrative or judicial hearing and to any and all other procedural steps, including any and all rights to seek judicial review or otherwise challenge or contest the validity of this Agreement and Order;

(c) That within 15 days of receipt of the Commission's written acceptance of this Agreement, San Francisco Shirt Works, Inc. shall file with the Commission the written, notarized compliance report required by Paragraph V of this Order;

7. San Francisco Shirt Works, Inc. Acknowledges:

(a) That it may be liable for a civil penalty of not more than \$10,000 for each violation of the Order after the Order becomes effective.

(b) That the requirements of the Order are in addition to and not to the exclusion of other remedies such as criminal penalties which may be pursued under Section 7 of the Flammable Fabrics Act, the rules, regulations and standards promulgated thereunder, or any other provision of Federal law.

8. Counsel for the Commission Agrees:

That this agreement is for settlement purposes only and does not constitute an admission by San Francisco Shirt Works, Inc. that the law has been violated. Therefore, if this Agreement is not accepted by the Commission, it may not be used in adjudicative proceedings, either administrative or judicial.

9. Upon Acceptance of this Agreement, the Commission may issue the following Order:

Order

I

It is ordered that San Francisco Shirt Works, Inc., its directors and its officers, and their agents, assigns, successors, representatives and employees, directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material, or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material, which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, which product, fabric or related material fails to conform to the requirements of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610, Subpart A) issued under the provisions of the Flammable Fabrics Act.

II

It is further ordered that San Francisco Shirt Works, Inc. and their agents, assigns, successors, representatives and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthwith cease and desist from issuing

a guaranty with respect to any product, fabric or related material manufactured or sold by San Francisco Shirt Works, Inc., as "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, which guaranty is not based on reasonable and representative testing conducted pursuant to Section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) and 16 CFR 1610.37 of the rules and regulations promulgated under the Flammable Fabrics Act or is not based upon a guaranty received in good faith.

III

It is further ordered that San Francisco Shirt Works, Inc., their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the manufacture for sale, sale or offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610).

IV

It is further ordered that San Francisco Shirt Works, Inc. shall either process all sweatshirts designated as "Holiday Line" styles #2115, #2116, #2184 and #2185 in inventory, including sweatshirts which have been recalled, to bring them into conformance with the Standard or destroy them.

V

It is further ordered that San Francisco Shirt Works, Inc. shall, within fifteen (15) days after service upon them of this Order, file with the Commission a special written and notarized report which:

A. Sets forth the manner in which it intends to comply with every aspect of this Order.

B. Advises the Commission fully and specifically concerning (1) the identity of the products to be processed as provided in Paragraph IV of the Order, (2) the identity of the purchasers of the said products, (3) the amount of the products on hand and in the channels of commerce, and the amount returned, if any, and (4) any action taken or proposed to be taken to bring the products into conformance and to continue compliance with the applicable

standard of flammability under the Flammable Fabrics Act, as amended.

VI

It is further ordered for a period of five (5) years from the date this Order is issued by the Commission on a final basis, that San Francisco Shirt Works, Inc. shall notify the Commission at least 30 days prior to any proposed change in the status of the corporation, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change which may affect its compliance obligations arising out of this Order.

VII

It is further ordered that San Francisco Shirt Works, Inc. shall distribute a copy of this Order to each of its operating divisions.

VIII

The Commission may conduct inspections and/or require San Francisco Shirt Works, Inc. to submit written reports to determine compliance with this order, and may direct San Francisco Shirt Works, Inc. to submit or permit the Commission to select for testing sufficient products subject to the Standard for the Flammability of Clothing Textiles (16 CFR 1610 *et seq.*) promulgated under the Flammable Fabrics Act.

San Francisco Shirt Works, Inc., a corporation, by: Earle M. Turow, 1111 17th Street, San Francisco, California.

Stephen E. Joyce,

Counsel for the Consumer Product Safety Commission.

[FR Doc. 81-7900 Filed 3-12-81; 9:45 am]

BILLING CODE 8355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-5; P.O. No.—100-81-124]

Jukebox Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: Pursuant to 17 U.S.C. 116(c)(3), the Tribunal published in the Federal Register (44 FR 53099, September 12, 1979) that a controversy existed concerning the distribution of jukebox royalty fees deposited for 1979 performances and

commenced a proceeding to determine the distribution of such royalty fees.

As the result of a prehearing conference held on March 10, 1981 for claimants or their duly authorized representatives to discuss the structure and procedure of the jukebox royalty distribution proceeding, the Tribunal determined that it will commence the hearings on the substantive aspects of this proceeding on April 21, 1981 and the hearings will continue on such subsequent days as are necessary. The Tribunal has determined by a drawing that the order of presentation shall be as follows:

1. BMI
2. ASCAP
3. Italian Book Corporation
4. SESAC

The Tribunal has also determined that ASCAP, BMI, SESAC and the Italian Book Corporation are all proper claimants in this proceeding. The evidentiary hearing which shall commence on April 21, 1981 will be conducted according to the Tribunal Rules of Procedure.

Claimants or their duly authorized representatives are directed to submit the following on or before April 13, 1981:

1. Any prehearing statements and/or memorandum. (Optional)
2. Witness lists.
3. Concise summary of each witnesses testimony.
4. Copies of documentary evidence.

For the purpose of identification of exhibits the following identification has been assigned to the parties:

1. ASCAP—alphabetical
2. BMI—numerical
3. SESAC—SE—alphabetical
4. Italian Book Corporation—IB—numerical

Any economic or other studies to be introduced in this proceeding shall be prepared in strict accordance with § 301.51 of the Tribunal's Rules of Procedure.

Documents should be submitted in the original with fifteen copies. Any items filed with the Tribunal shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW., Room 450, Washington, D.C. 20036.

Clarence L. James, Jr.,
Chairman, Copyright Royalty Tribunal.

March 10, 1981.

[FR Doc. 81-7900 Filed 3-12-81; 9:45 am]

BILLING CODE 1410-07-M

DEPARTMENT OF DEFENSE

Department of the Air Force

M-X Missile Program; Public Hearings on Draft Environmental Impact Statement

Informal public hearings will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statement (EIS) for the M-X Deployment Area Selection and Land Withdrawal/Acquisition. Two hearing periods are scheduled for each location as follows:

- March 30—Las Vegas, Nevada (1:30 pm and 7:00 pm)
- March 31—Cedar City, Utah (1:30 pm and 7:00 pm)
- April 1—Milford, Utah (1:30 pm and 7:00 pm)
- April 2—Delta, Utah (1:30 pm and 7:00 pm)
- April 3—Salt Lake City, Utah (1:30 pm and 7:00 pm)
- April 4—Ely, Nevada (1:30 pm and 7:00 pm)
- April 6—Carson City, Nevada (1:30 pm and 7:00 pm)
- April 7—Tonopah, Nevada (7:00 pm)
- April 8—Tonopah, Nevada (1:30 pm)
- April 9—Pioche, Nevada (1:30 pm and 7:00 pm)
- April 13—Santa Fe, New Mexico (1:30 pm and 7:00 pm)
- April 14—Austin, Texas (7:00 pm)
- April 15—Austin, Texas (1:30 pm)
- April 16—Lubbock, Texas (1:30 pm and 7:00 pm)
- April 20—Amarillo, Texas (1:30 pm and 7:00 pm)
- April 21—Dalhart, Texas (1:30 pm and 7:00 pm)
- April 22—Clovis, New Mexico (1:30 pm and 7:00 pm)
- April 23—Roswell, New Mexico (1:30 pm and 7:00 pm)

The name of the auditorium/meeting place will be announced in the local media.

The Draft EIS, prepared in compliance with the National Environmental Policy Act (NEPA), will aid in major decisions related to the selection of the designated deployment area or areas, the approximate operating base locations, and land withdrawal/acquisition. Deployment alternatives within the states of Nevada, Utah, Texas, and New Mexico are compared to determine relative environmental considerations which may influence selection of an area or areas for deployment of the M-X system.

Principal elements of the system include two operating bases, 4,600 shelters, approximately 8,500 miles of roads, and support facilities, operated and maintained by about 13,000 persons. The first ten missiles are to be operational by mid-1986 and the system is to be fully operational by the end of 1989.

The Draft EIS was filed with the Environmental Protection Agency (EPA) on December 23, 1980. Copies were placed in nearly 200 libraries in the four states for public review. Also the Draft EIS has been available by request from: Ballistic Missile Office, AFRCE-MX/DEV, Box EIS, Norton AFB, California 92409, (714) 382-4891.

The Air Force will conduct the hearings in a manner to insure that all interested citizens will have an opportunity to comment and ask questions about the M-X Draft EIS. The following procedures will be followed at each hearing:

- An Air Force judge will preside and moderate the proceedings.
- A court recorder will transcribe the proceedings.
- All persons desiring to make a statement will be asked to register prior to the start of each meeting. Registration forms will be available at the door.
- Representatives of a group will be permitted five minutes for comments.
- Individuals will be permitted three minutes for comments.
- The speaking order of representatives of organizations and individuals will be determined by a random drawing of registration cards.
- Written comments will be accepted and entered as part of the public hearing record.
- There will be no relinquishing of time by one speaker to another.

The presiding officer at the public hearings will be: Colonel Allan C. Smith, AF/JAJT, 1900 Half Street, SW., Washington, DC 20324, (202) 693-5810.

Persons not able to participate in the public hearings have until May 1, 1981 to submit their written comments to AFRCE-MX/DEV at the address given above.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-7867 Filed 3-12-81; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on the Education of Disadvantaged Children; Meeting and Hearing

AGENCY: National Advisory Council on the Education of Disadvantaged Children.

ACTION: Amendment of Notice of Scheduled Hearing and Council Meeting.

SUMMARY: This notice is to amend the Notice of the Hearing of the National Advisory Council on the Education of Disadvantaged Children which

appeared in the Federal Register on Monday, March 2, 1981, on page 14758. A Council Meeting and Hearing will be held at the following location: Georgia State University, Urban Life Conference Center, Room 201, Corner of Piedmont and Decatur, Atlanta, Georgia.

The tentative agenda for the two-day activities is as follows:

Friday, March 27

- 9:00-12:00 Noon—Council Business;
- 9:00-9:30—Call to Order; Approval of Minutes; Executive Director's Report;
- 9:30-11:00—Discussion and Approval of report—"Title I, Today: A Fact Book";
- 11:00-12:00—Discussion of Pending Budget Proposals.

Lunch

2:00-5:00—Public Hearing on the Impacts of Budget and Block Grant Proposals on Title I Programs in Schools.

Saturday, March 28

9:00-12:00 Noon—Public Hearing (continued).

Lunch

- 1:00-3:00—Council Business;
- 1:00-2:00 p.m.—Discussion of Report to Congress on Hearing Testimony and other Impact Information;
- 2:00-3:00—Discussion of Council Work Agenda.

SUPPLEMENTARY INFORMATION: The National Advisory Council on the Education of Disadvantaged Children is established under Section 196 of the Elementary and Secondary Education Act (20 U.S.C. 2852) of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C. on March 10, 1981.

Alice S. Baum,

Executive Director, National Advisory Council on the Education of Disadvantaged Children.

[FR Doc. 81-7858 Filed 3-12-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-CERT-004]

Long Island Lighting Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil; Long Island Lighting Co.

On January 28, 1981, Long Island Lighting Company (LILC), 250 Old Country Road, Mineola, New York 11501, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of up to 3,500,000 dekatherms

(approximately 3,500,000 Mcf) of natural gas. This gas is estimated to displace the use of approximately 402,000 barrels of residual fuel oil (1.5 percent sulfur) and 9,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Electric Plant in Island Park, New York, and 164,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant in Glenwood Landing, New York, during the period March 1, 1981, to October 31, 1981. The eligible seller of the natural gas is City of Danville, Virginia and the natural gas will be transported by the Transcontinental Gas Pipe Line Corporation. Notice of that application was published in the *Federal Register* (46 FR 13563, February 23, 1981), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed LILCO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that LILCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 6, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-7865 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-001]

Recertification of Eligible Use of Natural Gas To Displace Fuel Oil; Nebraska Municipal Power Pool

On January 12, 1981, Nebraska Municipal Power Pool (NMPP), 1335 L Street, Lincoln, Nebraska 68508, acting on behalf of seven of its members, the Board of Public Works of the City of Auburn, Nebraska (Auburn); the Board of Public Works of the City of Fairbury, Nebraska (Fairbury); the City Utilities Department of the City of Wahoo,

Nebraska (Wahoo); the City Utilities Department of the City of West Point, Nebraska (West Point); the City Utilities Department of the City of Crete, Nebraska (Crete); the City Utilities Department of the City of Tecumseh, Nebraska (Tecumseh); and the Village Board of Trustees of the Village of Pender, Nebraska (Pender), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 7,080 Mcf per day of natural gas. This natural gas is estimated to displace the use of 10,050 gallons (239 barrels) per day of No. 6 fuel oil (0.5 percent sulfur) at the Fairbury facility and 35,000 gallons (833 barrels) of No. 2 fuel oil (0.3 percent sulfur) per day at the six remaining municipal generating facilities. The eligible seller of the natural gas is Esperanza Transmission Company (Esperanza) and the gas will be transported by the Northern Natural Gas Company, an interstate pipeline, and local distribution companies will make deliveries to all seven facilities. Notice of that application was published in the *Federal Register* (46 FR 13564, February 23, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On March 26, 1980, NMPP received the original certification (ERA Docket No. 80-CERT-010) of an eligible use of natural gas purchased from Esperanza for use by the seven members for a period of one year. The original certificate expires on March 25, 1981. This recertification is being made effective on March 26, 1981, in order to provide continuity with the original certificate.

The ERA has carefully reviewed NMPP's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that NMPP's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, NW., Washington, D.C. 20461, from 8:30

a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on March 6, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-7864 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51998-2322-08-22; Docket No. ERA-FC-80-038]

Nevada Power Co.; Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use.

AGENCY: Economic Regulatory Administration Department of Energy.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On October 27, 1980, Nevada Power Company (Nevada Power) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas in new powerplants.

Nevada Power plans to install an 86,566 KW natural gas/oil-fired combustion turbine unit to be known as Clark Unit No. 8 in Clark County, Nevada. Nevada Power certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA accepted the petition pursuant to 10 CFR 501.3 and 501.63 on December 10, 1980, and published notice of its acceptance in the *Federal Register*, on December 17, 1980 (45 FR 82992). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA and 10 CFR 501.31 and 501.33, during which time interested persons were also afforded an opportunity to file comments and to request a public hearing on the petition. The comment period ended February 2, 1981. No comments or requests for a public hearing were received.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before March 27, 1981.

ADDRESSES: Fifteen copies of written comments, and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M

Street NW., Washington, D.C. 20461. Docket Number ERA-FC-80-038 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461. Phone (202) 653-4055;

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653-4208;

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Nevada Power plans to install an 86,566 KW natural gas/oil-fired combustion turbine to be known as Clark Unit No. 8 in Clark County, Nevada.

Nevada Power submitted a sworn statement with its petition, signed by Mr. J. H. Zornes, Vice President, Generation, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 86,566 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 129,849,000 Kwh.

Under the requirements of 10 CFR 503.41(b)(1)(ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplants, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of Nevada Power's sworn statements and information provided, the staff recommends that ERA grant the requested peakload powerplant exemptions.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a

notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Nevada Power has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by Nevada Power pursuant to 10 CFR 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that Nevada Power's response to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by Nevada Power and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant

to section 214(a) of the Act, be subject to the following terms and conditions:

A. Nevada Power shall not produce more than 129,849,000 Kwh during any 12-month period with Clark Unit No. 8. Nevada Power shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 8:00-10:00 a.m. and 3:00-6:00 p.m. during the June-September period, etc.). Estimates of the hours in which Nevada Power expects to operate Clark Unit No. 8 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Nevada Power shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Nevada Power shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C., on March 6, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7865 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of an Order Granting Temporary Public Interest Exemptions Pursuant to Powerplant and Industrial Fuel Use Act

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), and the implementing regulations thereunder (10 CFR § 501.68 and 10 CFR Part 508, from the natural gas use prohibitions of section 301(a) (2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No	Petitioner	Generating station	Powerplant identification No.
50484-2480-01-41	Central Hudson Gas & Electric Corp	Danskammer	1
53370-2067-02-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	2
53370-2067-03-41	do	do	3
53370-2067-04-41	do	do	4

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A notice of the petitions and proposed order granting these temporary exemptions were published in the October 16, 1980, Federal Register (45 FR 68704) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, the American Iron and Steel Institute and the Georgia Industrial Group (hereafter referred to collectively as the Group) requested a hearing. The Group has previously requested a hearing regarding previously filed similar petitions for exemption under the Special Rule. The Group's first request for a hearing was on the petitions for exemption and proposed order noticed at 45 FR 18423, published on March 21, 1980. The hearing which was convened pursuant to the Group's request was dismissed upon the ground that the Group had failed to demonstrate the requisite interest as interested persons (see, section 701 of FUA and 10 CFR 501.33 and 501.34). ERA denied the Group's request for a hearing on petitions for exemption and proposed order noticed at 45 FR 48684, published on July 21, 1980. The Group's latest request for a hearing regarding petitions for exemption and proposed order noticed at 45 FR 68705, published on October 16, 1980, contained nothing additional or new as compared with the Group's two previous requests. Consequently, ERA decided to deny the Group's request for a public hearing on these petitions.

Laclede Gas Company (Laclede) also requested a hearing on the petitions and proposed order noticed at 45 FR 68705, published on October 16, 1980. ERA concluded that the issues raised by Laclede were substantially the same as those presented by the Group, and that Laclede's request appeared to seek a generic review of the Special Rule. ERA determined that Laclede's request for a hearing on these petitions did not raise material issues of disputed fact respecting the qualification of a petitioner under the eligibility criteria cited in the Special Rule, or any factual

issues which could support limiting application of the Special Rule under 10 CFR § 508.4. Consequently, ERA denied Laclede Gas Company's request for a public hearing on these petitions.

Based on the information provided by the petitioners, the powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments, and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from

using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a) (2) and (3) of FUA, will displace consumption of high sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility criteria set out in 10 CFR 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, NW, Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, NW, Washington, D.C. 20461, (202) 653-4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplant listed in the table below.

Docket No.	Petitioner	Generating station	Powerplant identification No.
50484-2480-01-41	Central Hudson Gas & Electric Corp.	Danskammer	1
53370-2067-02-41	Public Service Commission of Yazoo City	Yazoo City Steam Plant	2
53370-2067-03-41	do	do	3
53370-2067-04-41	do	do	4

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions until December 7,

1981. Upon the request of the petitioners, these exemptions may be extended for an additional period at the discretion of

ERA. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn natural gas while their petitions were pending, may not exceed the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985. All requests for extensions must be filed with ERA by September 7, 1981. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective May 12, 1981. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report on progress achieved in implementing the pertinent fuel conservation plan, if the petitioner's exemptions are extended beyond December 7, 1981.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on March 5, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-7963 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. SA81-13]

Agrico Chemical Co.; Application

March 9, 1981.

Take notice that on January 30, 1981, Agrico Chemical Company (Applicant), P.O. Box 3166, Tulsa, Oklahoma 74101 filed with the Commission in Docket No. SA81-13 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) for the issuance of an adjustment to the provisions of Part 281 of the Commission's Regulations (18 CFR, Part 281), which provide for implementation of the essential agricultural priority provided by Section 401 of the NGPA.

Applicant, a domestic manufacturer of natural gas-based fertilizer states that it is supplied at its Blytheville, Arkansas, ammonia and urea manufacturing facility by Arkansas Louisiana Gas Company (Arkla), an interstate pipeline within the meaning of Section 2(15) of the NGPA. Over 98 percent (up to 44.5 MMcf per day) of the total quantity of gas that Applicant is contractually entitled to receive from Arkla is said to be included within Arkla's "essential agricultural" curtailment priority. The remainder of the contracted-for gas, although allegedly required for "essential agricultural use", has been downgraded from the "essential agricultural" priority by operation of Part 281 of the Commission's Regulations with respect to the ability to use an alternative fuel to satisfy essential agricultural requirements.

It is the position of Applicant that, notwithstanding the fact that Applicant has been deemed by operation of Part 281 of the Commission's Regulations (18 CFR, Part 281) to have the present "ability to use" an "alternative fuel" in order to meet such requirements, it allegedly no longer has a practical "ability to use" any "alternative fuel" to meet those "essential agricultural" requirements which have been downgraded to Priority 6. Therefore, Applicant requests the Commission to grant it an adjustment to these Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 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. 81-7011 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 3571-000]

Central Oregon Irrigation District; Application for Preliminary Permit

March 9, 1981.

Take notice that Central Oregon Irrigation District (Applicant) filed on October 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3571 to be known as Main Flume Siphon Water Power Project located on the Deschutes River in Deschutes County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Anderson, Manager, Central Oregon Irrigation District, P.O. Box 548, Redmond, Oregon 97756. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the

Applicant's existing rock weir on the Deschutes river; (b) the existing 10-foot diameter, 6,300-foot long siphon carrying water into; (c) the existing 900-foot long unlined canal leading to; (d) a proposed 900-foot penstock; (e) a proposed powerhouse, on the south bank of the Deschutes River, containing a single generating unit with a rated capacity of 5 MW; and (f) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 27 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 12-month permit to prepare a project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$49,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June

26, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, 1.8 or § 1.10 (1980). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before April 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3571. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7812 Filed 3-12-81; 8:48 am]

BILLING CODE 6450-85-M

[Project No. 3825-000]

Continental Hydro Corp.; Application for Preliminary Permit

March 9, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3825 to be known as Belle Fourche Dam located at the Water and Power Resources Service Belle Fourche Dam on the Belle Fourche River in Butte County, Fruitdale, South Dakota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suit 1143, Boston, MA 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a Water and Power Resources dam. Project No. 3825 would consist of: 1) proposed modification of the two existing intake and outlet works with the installation of a penstock approximately 500 feet long running from the headworks, through the existing outlet conduit, to a powerhouse located at or near the existing valve house; 2) two proposed powerhouse each with one generating unit at each of the existing valve houses with a total installed capacity of 715 kW; 3) proposed transmission lines; 4) and appurtenant facilities.

The proposed project is located on Federal lands.

The applicant estimates that the average annual energy output would be 3,360,000 kWh.

Purpose of Project—The applicant proposed to sell the generated output of energy to the Water and Power Resources Service, or other public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be \$49,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 7, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 7, 1981.

Filing a Service of Responsive Documents—Any comments, notices of intent, competing applications, protests,

or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3825. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7813 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. SA81-18-000]

Crosby Chemicals, Inc.; Application for Adjustment

Issued: March 9, 1981.

On January 7, 1981, Crosby Chemicals, Inc. (Crosby) filed with the Federal Energy Regulatory Commission (Commission) an Application for Adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301-3432 (Supp. II 1978). Crosby seeks relief from § 282.203(b) of the Commission's regulations, which sets forth the standards under which certain industrial boiler fuel, facilities may be exempted from incremental pricing under Title II of the NGPA.

In Order No. 96, issued July 29, 1980 in Docket No. RM79-48 (effective September 23, 1980), the Commission expanded the list of available incremental pricing exemptions to include, *inter alia*, facilities which have reduced their boiler fuel use below the 300 Mcf per day small boiler threshold since 1977. Section 282.203(b) provides that facilities qualifying under this category must not have used over an average of 300 Mcf per day in any of the 12 months preceding the filing of an exemption affidavit.

Crosby exceeded the 300 Mcf per day average in January, March and September of 1980. Crosby asserts, however, that certain operations resulting in those averages have been discontinued and will remain inactive for the immediate future. Crosby thus seeks relief from the 12 month requirement and requests exemption from incremental pricing as of the month following discontinuation of these operations. Crosby contends that denial of this adjustment will put it in a less competitive position and will dictate that it burn fuel oil instead of gas for steam generation.

Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41) governs the procedures applicable to this adjustment. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41. All such petitions must be on file on or before March 30, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7814 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-205-000]

Delhi Gas Pipeline Corp.; Application for Authorization To Extend Transportation Service

March 9, 1981.

Take notice that on February 19, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. CP81-205-000 an application pursuant to Section 284.125(c) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for authorization to extend the transportation of natural gas for United Gas Pipe Line Company (United) for a period of twenty years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the pursuant to the terms of a July 16, 1979, transportation agreement with United, Applicant receives natural gas at the points of delivery provided in gas purchase agreements between United and certain producers and transports and redelivers such natural gas to United at the following redelivery points; (i) the point of interconnection of Applicant's facilities with United's Carthage-Longview line in Rusk County, Texas, and United's Carthage-Sterlington line in Panola County, Texas; (ii) the point of interconnection between Applicant's and United's facilities in Polk County, Texas, and Victoria County, Texas; the

outlet of the Katy Gasoline Plant, Waller County, Texas; near the Champlin Carthage Plant in Panola County, Texas; Bee County, Texas; Harrison County, Texas; and Houston County, Texas; (iii) the two existing points of delivery on United's pipeline located in Panola County, Texas; (iv) the point of interconnection of Applicant's facilities with the facilities of Northern Natural Gas Company, a Division of InterNorth, Inc. in Pecos County, Texas; and (v) at such other points as the parties hereto may mutually agree upon from time to time.

Applicant states that it commenced the transportation of gas for United on July 16, 1979, and pursuant to a long-term transportation agreement with United now proposes to transport gas for a term of twenty years from July 16, 1981. It is stated that the total and daily volumes of natural gas to be transported during the twenty-year period are currently estimated at 160,600,000 Mcf and 22,000 Mcf, respectively, but that this estimate may change as additional gas reserves are developed and acquired by United and as existing gas reserves are depleted.

Applicant asserts that the rates to be charged United for such transportation service are 31.0 cents, 30.0 cents and 20.0 cents per million Btu depending on the location of the gas reserves and the point of delivery.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 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. 81-7815 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4028-000]

Long Lake Energy Corp.; Application for Preliminary Permit

March 9, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on January

16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4028 to be known as the Theresa Water Power Project located on Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Elston; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Theresa Dam, a 34-foot high, 110-foot long, concrete structure; (2) the existing Theresa Reservoir, having a storage volume of approximately 482 acre-feet at a normal pool elevation of 465 feet; (3) the existing intake structure and 8-foot diameter steel penstock, 80 feet long leading to; (4) the existing powerhouse with two new turbines having an installed generating capacity of 2,000 kw; (5) the existing tailrace structure; (6) the existing transmission lines and switchyard equipment; and (7) appurtenant works. The Theresa Dam and Reservoir are owned by the Niagara Mohawk Power Company. The Applicant estimates the average annual output would be 9,600,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit to be \$60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4028. Any comments, notices of intent, competing applications,

protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-7816 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3740-000; Project No. 3904-000]

Mitchell M. White and Melba M. White and City of Rock Falls, Illinois; Applications for Preliminary Permit

March 9, 1981.

Take notice that Mitchell M. White and Melba M. White (MMW) and the City of Rock Falls, Illinois (CRF) (Applicants) submitted on November 14, 1980 and December 24, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Projects Nos. 3740 and 3904, respectively, to be known as the Upper Sterling Water Power Project and Upper Sterling Dam, respectively, located on the Rock River in Whiteside County, Sterling, Illinois. The applications are on file with the Commission and are available for public inspection. Correspondence with MMW should be directed to: Mitchell M. White and Melba M. White, 1855 Glendale Road, Clinton, Iowa 52732. Correspondence with CFR should be directed to: The Honorable Mayor, James E. Baker, City of Rock Falls, 603 West 10th Street, Rock Falls, Illinois 61071. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project No. 3740 would consist of: (1) an existing 1,400-foot long and 9-foot high broad-crested overflow-spillway structure with 18 gated spillways, powerhouse substructure, and navigation lock, originally constructed

for navigation and flood control purposes; (2) a proposed powerhouse to be located at the site of the old powerhouse and having an estimated installed capacity of 4,000 kW; (3) an existing reservoir, having a storage capacity of 7,000 acre-feet, surface area of 2,400 acres, a normal maximum surface elevation of 637 feet m.s.l., and a drainage area of 8,753 square miles; (4) a proposed 4.2 kV transmission line, 500 feet in length, to extend from the powerhouse to a switchyard belonging to Commonwealth Edison; and (5) appurtenant facilities.

MMW estimates that the average annual energy output would be 21,199,000 kWh.

The proposed Project No. 3904 would consist of: (1) an existing 1,400-foot long and 9-foot high broad-crested overflow-spillway structure with 18 gated spillways, powerhouse substructure, and navigation lock, originally constructed for navigation and flood control purposes; (2) an existing reservoir having a storage capacity of 7,000 acre-feet, surface area of 2,400 acres, a normal maximum surface elevation of 637 feet m.s.l., and a drainage area of 8,753 square miles; (3) a proposed powerhouse having an estimated installed generating capacity of 4,000 kW; (4) a proposed 4.16/12.5 kV electrical substation to be located adjacent to the dam on the south bank of the Rock River; (5) two proposed 12.5 kV transmission lines connected to the new substation and an existing 12.5 kV loop which goes to the City of Rock Falls Centennial Park Substation; (6) a proposed 4.16 kV transmission line to tie into the North Substation and provide back-up power; (7) a proposed 4.16 feeder outlet; and (8) appurtenant facilities.

CRF estimates that the average annual energy output would be 16,000,000 kWh.

The proposed project does not affect Federal lands.

Purpose of Project—MMW proposes to sell the generated output of energy to Commonwealth Edison. CRF proposes to utilize the generated output of energy within their own system.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seek issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the

project. MMW estimates that the cost of the studies would be \$84,000. CRF estimates that the cost of the studies would be \$100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest, may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before May 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3740 and 3904. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary,
[FR Doc. 81-7817 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. C164-69-000, et al.]

Shell Oil Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹
March 9, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft ³	Pressure base
C164-69-000, D, February 23, 1981.	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Pitman Field, Woods County, Oklahoma.	(*)	
C172-344-000, C, February 25, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Heyser Field, Calhoun and Victoria Counties, Texas.	(*)	14.65
C181-211-000, A, February 23, 1981.	Notrex Gas & Oil Company, P.O. Box 4420, Houston, Texas 77210.	Northern Natural Gas Company, a division of Inter-North, Inc., West Cameron Block 190, Offshore Louisiana.	(*)	15.025
C181-212-000, F, February 23, 1981*.	Energy Trading Inc., a wholly-owned subsidiary of Energy Reserves Group, Inc., (successor in interest to Global Gas Corporation) Post Office Box 1201, Wichita, Kansas 67201.	Arkansas Louisiana Gas Company, Kinta Field, Le Flore County, Oklahoma.	(*)	14.65
C181-213-000, F, February 23, 1981*.	do	Arkansas Louisiana Gas Company, Chesmille and Centrahoma Fields, Logan and Pope Counties, Arkansas, and Coal County, Oklahoma.	(*)	14.65
C181-214-000, F, February 23, 1981*.	do	Arkansas Louisiana Gas Company, Arkoma Area, Coal County, Oklahoma.	(*)	14.65
C181-215-000, F, February 23, 1981*.	do	Arkansas Louisiana Gas Company, Centrahoma Field, Coal County, Oklahoma.	(*)	14.65
C181-221-000, F, February 25, 1981*.	do	Arkansas Louisiana Gas Company, Cotton Valley Southeast Field, Webster Parish, Louisiana.	(*)	15.025
C181-218-000, A, February 25, 1981.	Ocean Production Company, P.O. Box 61780, New Orleans, Louisiana 70161.	Michigan Wisconsin Pipe Line Company, Ship Shoal Block 135, in the Gulf of Mexico, Offshore Louisiana.	(*)	15.025
C181-219-000, A, February 25, 1981.	do	Michigan Wisconsin Pipe Line Company, West Cameron Blocks 115 and 116, in the Gulf of Mexico, Offshore Louisiana.	(*)	15.025
C181-220-000, A, February 25, 1981.	Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.	United Gas Pipe Line Company, West Cameron Block 116 "A" platform (OCS-G-2629 "A" platform) Offshore Louisiana.	(*)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price Per 1,000 ft ³	Pressure base
CI81-222-000, A, February 25, 1981.	Mitchell Energy Offshore Corporation, P.O. Box 4000, The Woodlands, Texas 77380.	Transcontinental Gas Pipe Line Corporation, Galveston Area; Block 189 Field, Offshore Texas.	(*)	14.65

*Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

*Applicant agrees to accept a Permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.

*Applicant is filing under Gas Purchase Contract dated February 6, 1981.

*Applicant acquired an interest in the subject area from Global Gas Corporation. The assignment is effective July 1, 1979.

*Applicant is willing to accept the applicable rate (NGPA Section 104 Post 1974 Gas) for both temporary and permanent partial successor in interest certifications.

*Applicant is filing under Gas Purchase Contract dated February 4, 1981.

*Applicant is filing under Gas Purchase Contract dated February 4, 1981.

*Applicant is filing under Gas Purchase Contract dated January 29, 1981.

*Applicant is filing under Gas Purchase Contract dated February 4, 1976—Ratified June 4, 1980.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; and F—Partial Succession.

[Docket Nos. CI81-210-000, et al.]

**SONAT Exploration Company
(Successor in Interest to The Offshore
Company and Southern Natural
Resources, Inc.); Redesignation**

March 9, 1981.

Take notice that on February 24, 1981, SONAT Exploration Company ("SONAT") of P.O. Box 1513, Houston, Texas 77001, as assignee of certain properties from The Offshore Company ("TOC") by means of a dividend to Southern Natural Resources, Inc., ("SNR") and a capital contribution from SNR to SONAT, filed a Joint Application for Certificates Of Public Convenience and Necessity and for Temporary Certificates authorizing the continuation of sales of natural gas produced in various fields in Offshore Louisiana and Texas and requesting that "The Offshore Company's" rate schedules be redesignated as the rate schedules of SONAT Exploration Company.

TOC, an independent producer as that term is defined by The Natural Gas Act, has transferred to SNR and SNR has contemporaneously transferred to SONAT all of TOC's interest in properties and fields in Offshore Louisiana and Offshore Texas.

The properties were transferred to SONAT on the basis of the net book value of the properties as carried on TOC's books as of the date of transfer. The transfer was accomplished by the means of a dividend to TOC's parent, SNR and a corresponding capital contribution by SNR to SONAT.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a

proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Kenneth F. Plumb,
Secretary.**

[FR Doc. 81-7819 Filed 3-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-201-000]

**Transcontinental Gas Pipe Line Corp.;
Application**

March 9, 1981.

Take notice that on February 20, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-201-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities located offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In order to attach new gas supplies to

its system from Block 223, Galveston area, offshore Texas, Applicant proposes to construct and operate approximately 4.26 miles of 6-inch pipeline extending from the "JA" Platform of Shell Oil Company in Galveston Block 223 to a subsea tie-in with an existing 12-inch segment of Applicant's North High Island System in Galveston Block 240 together with metering, regulating and other appurtenant facilities located on the platform. Applicant states that based upon the single well presently completed in Block 223 reserves, are estimated at up to 9,000,000 Mcf with deliverability of up to 10,000 Mcf per day. It is further stated that construction of the proposed facilities is scheduled to begin in June 1981 for completion the following August.

Applicant estimates the cost of the proposed facilities to be \$2,480,000 which would be financed through short term loans and available cash with permanent financing being undertaken as a part of an overall long-term financing program at a later date. Applicant further asserts that no new sale or service is proposed and that the construction of the proposed facilities would not increase the delivery capacity of Applicant's main transmission system.

It is asserted that these facilities are required in order to attach available gas supplies to Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7820 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4146-000]

Twin Valleys Public Power District; Application for Preliminary Permit

March 9, 1981.

Take notice that Twin Valleys Public Power District (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4146 to be known as Harlan County Dam located on the Republican River in Harlan County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Liess, General Manager, Twin Valleys Public Power District, Cambridge, Nebraska 69022. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 4146 would consist of: (1) a proposed 9-foot in diameter, 350-foot long penstock; (2) a proposed powerhouse located on the south bank

of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 4.85 MW, and the annual energy output to be 4,200,000 KWh.

Purpose of Project—The purpose of the project is to develop energy that would be utilized within the Applicant's system.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including initial inventory and data collecting, hydrologic studies, project development, project costs, power production, power marketing, financial alternatives, benefit-cost evaluation and socioeconomic and environmental impacts. The cost of the aforementioned activities is estimated by the Applicant to be in the range of \$35,000 to \$40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3394 filed on August 27, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest

may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4146. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7821 Filed 3-12-81; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1778-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.)

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of March 2, 1981 to March 6, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from March 13, 1981 and will end on April 27, 1981. The 30-day review period for final EIS's as calculated from March 13, 1981 will end on April 13, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3006.

Dated: March 10, 1981.

William N. Hedeman, Jr.,
Director, Office of Federal Activities (A-104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, (202) 447-3965.

Soil Conservation Service

CORRECTION: NEWTON-HOFFMAN WATERSHED FLOOD PROTECTION, NY, FR February 6, 1981—measures listed in abstract are those which have been deleted as part of the proposed action. The proposal consists of the construction of three floodwater retarding structures at sites 12E, 5A and 2. (No. 810086.)

DEPARTMENT OF THE AIR FORCE

Contact: Dr. Carlos Stern, Deputy for Environment and Safety, (202) 697-9297.

Draft

BERGSTROM AFB INCREASED FLIGHT ACTIVITY, TRAVIS COUNTY, TEXAS, DATE FILED 3-6-81—movement of 42 to 48 RF-4C and 18 to 24 F-4D planes to the base and increased use of military routes, military operating areas and ranges. (EIS Order No. 810179.)

US ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of the Chief of Engineers, (202) 272-0121.

Draft

AB BROWN GENERATING STATION, POSEY COUNTY, INDIANA, DATE FILED 3-3-81—issuance of permit for construction and operation of additional units. (EIS Order No. 810171.)

Final

PURCO RIVER AND TRIBUTARIES, MCKINLEY COUNTY, NEW MEXICO, DATE FILED 3-5-81—flood control plan for

improvement of local drainage and protection of the City of Gallup. Comments made by: USDA, DOC, HUD, DOI, DOT, EPA, State agencies, groups and businesses. (EIS Order No. 810174.)

LAKE WICHITA AND HOLLIDAY CREEK FLOOD CONTROL, ARCHER, CLAY AND WICHITA COUNTIES, TEXAS, DATE FILED 3-5-81—proposed raising of Lake Wichita dam in combination with placement of an earthen dam and a channel. Comments made by: FPC, EPA, DOI, HEW, DOT, State and local agencies. (EIS Order No. 810175.)

LAKE PONCHARTRAIN NAVIGATION MAINTENANCE AND SHORELINE PROTECTION, JEFFERSON, ORLEANS AND ST. BERNARD COUNTIES, LOUISIANA, DATE FILED 3-6-81—assumption of maintenance responsibilities for channel entrance and harbor, and reestablishment of dry sand beach for Fontainebleau State Park. Comments made by: DOI, EPA, DOC, USDA, DOT, HEW, AHP, State agencies, Groups. (EIS Order No. 810183.)

CORRECTION: FISHERMAN'S WHARF AREA LIGHT-DRAFT NAVIGATION IMPROVEMENTS, CA, published FR February 27, 1981—correct status is Final—comments were made by EPA, DOI, DOT, HEW, DOC, AHP, USDA, State and local agencies, and groups and businesses. (No. 810141.)

DEPARTMENT OF COMMERCE

Contact: Dr. Robert T. Miki, Acting Deputy Assistant Secretary, for Regulatory Policy, (202) 377-2482.

National Oceanic and Atmospheric Administration

Final

SHRIMP FISHERY OF THE GULF OF MEXICO, DATE FILED 3-6-81—proposed implementation of regulations for fishery management plan. Comments made by: DOT, EPA, COE, groups. (EIS Order No. 810182.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Bill Geise, Region VIII, (303) 837-4831.

Final Supplement

GREELEY WASTEWATER FACILITIES (FS-1), WELD COUNTY, COLORADO, DATE FILED 3-5-81—considers additional facility and management alternatives and supplements FEIS 761709 filed 12-7-79. Comments made by: HEW, HUD, State and local agencies, groups, individuals and businesses. (EIS Order No. 810178.)

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality (202) 357-8228.

Anyone desiring to protest or file a petition to intervene with the FERC on the basis of a draft EIS listed below should do so in accordance with the requirements of FERC's Rules of Practice and Procedure, 18 CFR 1.8, 1.10 (1979), within the time period set forth in this notice, unless otherwise stated.

Draft

TYEE LAKE HYDROELECTRIC PROJECT #3015, WRANGELL, ALASKA, DATE FILED 3-2-81—issuance of license to construct,

operate and maintain project located within Tongass National Forest. (EIS ORDER No. 810170.)

CORRECTION: Staten Island LNG Project, NY, published FR February 27, 1981—time extension contained incorrect date—the comment period will terminate on April 15, 1981. (No. 810145)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality (202) 755-6300.

Final

VILLAGE NINE SUBDIVISION, MESA COUNTY, COLORADO, DATE FILED 3-2-81—issuance of mortgage insurance for 160 acre development containing 831 dwelling units. Comments made by: AHP, COE, EPA, HHS, DOC, DOI, State Agencies. (EIS ORDER No. 810166.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

NEW YORK CITY UNSAFE BUILDING PROGRAM, NEW YORK, DATE FILED 3-2-81—awarding of CDB grant for sealing of 1,500 buildings and demolition of 13,000 dwelling units (or 2,415 buildings). (EIS ORDER No. 810169.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review (202) 343-3891.

Bureau of Land Management

Draft

SUN VALLEY LIVESTOCK GRAZING MANAGEMENT PLAN, BUTTE, BLAINE, CAMAS AND ELMORE COUNTIES, IDAHO DATE FILED 3-3-81—modification of grazing management plan for 245,000 acres of the Sun Valley area. (EIS ORDER No. 810172.)

EXTENSION: The review period for the above EIS has been extended until April 30, 1981. (No. 810172.)

Final

LOWER COOK INLET-SHELIKOF STRAIT OCS SALE #60, ALASKA, DATE FILED 3-2-81—proposed leasing of 153 blocks of OCS lands for the exploration and production of oil and gas. Comments made by: USDA, FERC, DOT, DOI, DOC, AHP, EPA, State and Local Agencies, Groups, Individuals, and Businesses. (EIS ORDER No. 810168.)

Fish and Wildlife Service

EXTENSION: Fish and Wildlife Coordination Act, published FR December 24, 1980—review period has been extended until March 25, 1981. (No. 800960.)

DEPARTMENT OF LABOR

Contact: Ms Joanne Lindhart, Chief, Office of Environmental Impact Assessment (202) 523-7111.

WITHDRAWAL: Hazards Identification Standard, published FR March 6, 1981—has been officially withdrawn. (No. 810149.)

US DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, (202) 420-4357.

Federal Highway Administration

Droft

LONG ISLAND EXPRESSWAY IMPROVEMENT, QUEENS COUNTY, NEW YORK, DATE FILED 3-6-81—financial assistance for ramp rearrangement, roadway widening and a continuous service road system. (EIS Order No. 810181.)

Final

TENTH STREET/TAYLOR ROAD EXTENSIONS, BARTHOLOMEW COUNTY, INDIANA, DATE FILED 3-2-81—extension of Tenth Street from US 31 to IN-46 and Taylor Road from IN-46 to Marr Road. Comments made by: DOI, EPA, HUD, USDA, State Agencies. (EIS Order No. 810167.)

LA-70 RELOCATION AT PIERRE POINT, ASSUMPTION PARISH, LOUISIANA, DATE FILED 3-4-81—issuance of federal aid for relocation to 0.4 mile south of Pierre Part to Pierre Part Bridge. Comments Made by: DOT, COE, EPA, USDA, GSA, DOI, State, and local agencies. (EIS Order No. 810173.)

132ND STREET SE IMPROVEMENT AND EXTENSION, SNOHOMISH COUNTY, WASHINGTON, DATE FILED 3-5-81—proposed widening from WA-527 to Seattle Hill Road. (DOT has not approved extension of 132nd Street as part of the proposed action of this FEIS). Comments made by: EPA, DOI, COE, State and local agencies, groups, individuals and businesses. (EIS Order No. 810177.)

EXTENSION: US-24 BYPASS, COLORADO SPRINGS, CO., published FR January 30, 1981—review period has been extended to April 6, 1981. (No. 810047.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Mohamed T. El-Ashry, Director, Environmental Quality, (615) 632-6450.

Final

ALTERNATIVE ELECTRIC POWER RATE STRUCTURES, DATE FILED 3-5-81—proposed is the adoption and implementation of alternative rate structures. Comments made by: HUD, TREA, EPA, State and local agencies, individuals. (EIS Order No. 810176.)

[FR Doc. 81-7990 Filed 3-12-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee; Amateur Radio Services Subcommittee; Meeting

February 20, 1981.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Friday, March 27, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items:

1. Opening of meeting
- a. Statement by Chairman
- b. Introductions
- c. Approval of summary minutes of the May 16, 1980 meeting.
2. Presentation of Tacoma-based ARS emergency communications plans and Connecticut-based EBS/ARS interface plans—Subcommittee members involved in plans submitted
3. Reports on assigned activities:
 - a. *Introduction to NIAC*: Mr. Neumann, FCC staff; Mr. Rentfrow, FCC staff
 - b. *Local Government Planning*: Mr. Bino, Mr. Estevez, Mr. Flinn
 - c. *Broadcast Services*: Mr. Payne
 - d. *Citizens Band*: Mr. Flinn
 - e. *Red Cross & Salvation Army*: Mr. Estevez, Mr. Lindholm
 - f. *Independent Traffic Nets*: Mr. Estevez, Mr. Lindholm
 - g. *Radio Amateur Civil Emergency Service*: Mr. Obradovich
 - h. *Military Affiliate Radio System*: Mr. Dunn, Mr. Hurd
4. Analysis of regulations restricting emission mode experimentation as related to emergency communications—Mr. Green, Mr. Imlay, Mr. Payne
5. Electromagnetic Pulse, Part II—Mr. Meserve
6. Non-RACES emergency drills—Mr. Imlay
7. Three Mile Island and emergency communications—Mr. Obradovich
8. Proposed plain English amateur radio rules (Part 97)—Mr. Imlay
9. ARS use of commercial satellites for emergency communications—Mr. Green
10. New business
11. Federal agency and public comments
12. 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. 81-7628 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1272]

Petitions for Reconsideration of Actions in Rule Making Proceedings

March 5, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before March 30, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry). (Docket No. 20828)

Filed by: Alfred A. Green, George Finkelstein, M. Robert Kestenbaum & Michael J. Holliday, Attorneys for American Telephone and Telegraph Company on 2-20-81.

Victor J. Toth & Mary F. Dominiak, Attorneys for Wisconsin Telecommunication Contractors Association on 2-20-81.

Herbert E. Marks & Laurel R. Bergold, Attorneys for Independent Data Communications Manufacturers Associations Inc., on 2-20-81.

John M. Lothschuetz & Carolyn C. Hill, Attorneys for United Telephone System, Inc., on 2-20-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-7827 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1274]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

March 6, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before March 30, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 64.702 of the Commission's Rules and Regulations

(Second Computer Inquiry). (Docket No. 20828)

Filed by: Richard McKenna, Attorney for GTE Service Corporation, on February 20, 1981.

Subject: Amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method ("Petition for Clarification"). (Docket No. 20188)

Filed by: Richard M. Cahill, Richard McKenna and James R. Hobson, Attorneys for GTE Service Corporation, on February 13, 1981.

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 81-7828 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-130 and 81-131; File Nos. BPCT-800229KF and BPCT-791221KF]

Springfield Television of Washington, Inc., and JusDan, Inc.; Hearing Designation Order

Adopted: February 27, 1981.

Released: March 6, 1981.

By the Chief, Broadcast Bureau.

In re Applications of Springfield Television of Washington, Inc., Spokane, Washington, [BC Docket No. 81-130 File No. BPCT-800229KF]; JusDan, Inc., Spokane, Washington, [BC Docket No. 81-131 File No. BPCT-791221KF]; For a Construction Permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Springfield Television of Washington, Inc. (STW) and JusDan, Inc. (JusDan) for a new commercial television station to operate on channel 28, Spokane, Washington.

Springfield Television of Washington, Inc.

2. Analysis of the financial data submitted by STW reveals that \$1,182,205 will be required to construct the proposed station and operate it for three months, without revenue, itemized as follows:

Equipment down payment	\$360,218
Equipment payments with interest (three months)	88,127
Additional equipment	375,000
Land	32,488
Building	50,000
Miscellaneous	78,000
Operating cost (three months)	198,372
Total	1,182,205

STW is a wholly owned subsidiary of Springfield Television Corporation

(STC).¹ STW plans to finance construction and operation from the proceeds of \$3,500,000 loan to its parent corporation from the Massachusetts Mutual Life Insurance Company. STW has failed to document STC's commitment to make any of its financial resources available to the applicant. Moreover, the letter from Massachusetts Mutual Life does not comply with the requirements of Question 4(e), Section III, FCC Form 301. For these reasons and the reasons set forth in footnote 1, the Commission cannot find that any funds are available to the applicant. An appropriate issue will be specified to determine whether the applicant has available to it the \$1,182,205 needed for construction and operation costs.

JusDan, Inc.

3. Analysis of the financial data submitted by JusDan indicates that \$259,671 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment lease fee	\$12,000
Legal costs	10,000
Engineering costs	3,000
Installation costs	10,000
Miscellaneous	10,000
Operating costs (three months)	214,671
Total	259,671

4. To finance construction and operation in the above amount, JusDan intends to rely upon funding commitments from its shareholders. The balance sheets of each of the shareholders show that each has insufficient liquid assets to meet his or her commitment (totaling \$360,000).² An appropriate issue will be specified.

	Percent of current stock	Commitment	Net liquid assets
Robert Hamacher (w/ wife Ronale)	51	\$153,000	\$5,630
Rogina Hamacher (Robert's mother)	19	57,000	42,850
David Guin (w/wife Nancy)	15	45,000	3,900
Richard Scheingold (w/ wife Joann)	15	45,000	*13,500

*Assuming no current liabilities.

5. JusDan has only shown \$3,534 in net liquid assets. While the applicant lists land purchased for \$265,950 as an operational asset, land is not a liquid

¹ STW has not submitted a current balance sheet as required by Section III, Page 2, Question 2, FCC Form 301. STW has only submitted a balance sheet for the period ending September, 1979, for its parent, STC. STC's balance sheet is dated beyond the close of a month within 90 days of the date of the application and is therefore not current.

² The stockholders entered into agreements to lend JusDan money and/or to purchase stock:

asset. *Rose Broadcasting Co.*, 68 FCC 2d 1242, 43 RR 2d 1317 (1978). Accordingly, a financial issue concerning JusDan's ability to meet \$259,671 in construction and operation costs will be specified.

6. JusDan has not submitted U.S.G.S. 7.5' topographic maps to enable the Commission to accurately determine the average terrain of the proposed service area as required by Question 13(a), Section V-C, Page 2, FCC Form 301 and Section 73.684(g) of the Rules.

Accordingly, JusDan is directed to furnish the 7.5' topographic maps within 20 days of the release of this order.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine, with respect to Springfield Television of Washington, Inc.:

(a) Whether the applicant has available to it \$1,182,205 needed for construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

2. To determine, with respect to JusDan, Inc.:

(a) Whether the applicant has available to it \$259,671 needed for construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 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 hearing and to present evidence on the issues specified in the 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of and notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-7025 Filed 3-12-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-116]

First City Federal Savings and Loan Association, Bradenton, Fla.; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Dated: March 10, 1981.

Notice is hereby given that on February 24, 1981, the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of First City Federal Savings and Loan Association, Bradenton, Florida ("Association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than \$14,250,000 nor more than \$19,250,000. The conversion application of the Association was approved on January 21, 1981, by Board Resolution 81-32, which Resolution required that the conversion stock be sold for an aggregate price within a range from \$13,200,000 to \$17,750,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street NW.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-7890 Filed 3-12-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3951, T-3952 and T-3953]

Availability of Findings of no Significant Impact

Having completed environmental assessments, the Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3951, a non-exclusive preferential assignment agreement between the Port of Seattle, Washington, and Hanjin Container Lines, Ltd., providing for Hanjin's use of ten acres of land within the port complex for storage and handling of containers, berth space subject to availability, and use of a container crane.

Agreement No. T-3952, which renews a terminal, stevedore and LCL service agreement between Global Terminal and Container Services, Inc., and Korea Shipping Corporation in the Port of New York.

Agreement No. T-3953, which renews a terminal, stevedore and LCL service agreement between Global Terminal and Container Services, Inc., and Orient Overseas Container Lines, Inc., in the Port of New York.

The Findings of No. Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5727.

Francis C. Hurney,

Secretary.

[FR Doc. 81-7896 Filed 3-12-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in

an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 5, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities; St. Matthews, Kentucky); to engage through its subsidiary, Sunamerica Corporation, in the activities of making or acquiring loans which may exceed \$10,000 and may be secured by equity in real property; acquiring installment contracts from retail sellers covering the time sales of goods and related services; making or acquiring loans and other extensions of credit to businesses (including inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; and acting as agent or broker for the sale of credit life, credit accident and health, and property and casualty insurance directly related to such extensions of credit. Any credit life and credit accident and health insurance sold in connection with the proposed activities will be reinsured through Sun States Life Insurance Company or Great Lakes Insurance Company, indirect subsidiaries of the Applicant. The

activities will be conducted from an office in St. Matthews, Kentucky, serving the State of Kentucky.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Seafirst Corporation, Seattle, Washington (insurance activities; Arizona, California and Nevada); to act as agent, through its subsidiary, Seafirst Insurance Services Corporation, for the sale of mortgage life and accident and health insurance directly related to extensions of credit by Seafirst Corporation or its subsidiaries. These activities would be conducted from the main offices of Seafirst Insurance Services Corporation in Seattle, Washington, serving Arizona, California and Nevada, and from offices of Seafirst Corporation or its subsidiaries located in Phoenix, Mesa, Lake Havasu City and Tucson, all in Arizona; Walnut Creek, Sacramento, Fairfield, Irvine and Pleasant Hill, all in California; and Las Vegas, Nevada, and serving those states. Comments on this application must be received not later than April 1, 1981.

C. Other Federal Reserve Banks:
None

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7031 Filed 3-12-81; 9:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that

requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 7, 1981.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120.

Wells Fargo & Company, San Francisco, California (finance activities; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont); to engage, through its subsidiary, Wells Fargo Business Credit, in making or acquiring loans or extensions of credit, and commercial loans secured by a borrower's inventory, accounts receivable, or other assets; servicing loans in accordance with the Board's Regulation Y. These activities would be conducted from an office in Hasbrouck Heights, New Jersey servicing Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Rhode Island and New Jersey.

B. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, March 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7915 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

First Marlow Bancshares, Inc.; Formation of Bank Holding Company

First Marlow Bancshares, Inc., Marlow, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank in Marlow, Marlow, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas

City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7030 Filed 3-12-81; 9:45 am]

BILLING CODE 6210-01-M

Persons Banking Company, Inc.; Acquisition of Bank

Person Banking Company, Inc., Forsyth, Georgia, 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 65.73 percent or more of the voting shares of The Bank of Perry, Perry, Georgia. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 8, 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 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7916 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Rice Lake Bancorp, Inc.; Formation of Bank Holding Company

Rice Lake Bancorp, Inc., Rice Lake, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Dairy State Bank, Rice Lake, Wisconsin. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. 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 8, 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 9, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7917 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

University National Bancshares of San Antonio, Inc.; Formation of Bank Holding Company

University National Bancshares of San Antonio, Inc., San Antonio, Texas, 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 90 percent or more of the voting shares of University National Bank, San Antonio, Texas. 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 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 8, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7832 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

Valley National Corp.; Formation of Bank Holding Company; Correction

This notice corrects a previous Federal Register document (FR Doc. 81-6623) published at page 14821 of the issue for Monday, March 2, 1981. The applicant's locations, and the types of activities have been corrected.

Valley National Corporation, Phoenix, Arizona, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Valley National Bank of Arizona, Phoenix, Arizona. 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)).

Valley National Corporation, Phoenix, Arizona, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish *de novo* a consumer and dealer finance and consumer leasing company in Albuquerque, New Mexico, and acquire indirectly Western Security Life Insurance Company and Concho Investment Corporation, both of Phoenix, Arizona.

Applicant states that the proposed subsidiaries would engage in the activities of making or acquiring, for its own account and the account of others, and servicing loans and other extensions of credit such as would be made by a finance company; making and servicing consumer leases for its own account and the account of others; and acting as agent for the sale of, and underwriter for, credit life insurance and credit accident and health insurance directly related to extensions of credit by The Valley National Bank of Arizona.

The financing and leasing activities would be performed from offices of Applicant's subsidiary in Albuquerque, New Mexico, and the geographic area to be served is the State of New Mexico, and the insurance activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is the State of Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 26, 1981.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker

Assistant Secretary of the Board.

[FR Doc. 81-7833 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

West Coast Bancorp; Formation of Bank Holding Company

West Coast Bancorp, Newport, Oregon, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Bank of Newport, Newport, Oregon. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than April 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-7834 Filed 3-12-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Grants for Health Education-Risk Reduction; Notification of Availability of Funds Based on the Fiscal Year 1981 Continuing Resolution

The Centers for Disease Control announces that State and local health authorities are requested to apply for fiscal year 1981 Health Education-Risk Reduction grants to assist them in developing and implementing health education programs for their populations. This grant program is authorized under Section 1703(a), Title XVII, of the Public Health Service Act (42 U.S.C. 300u-2(a)) and Section 402(a)(2) of Pub. L. 95-626. The Catalog of Federal Domestic Assistance Number is 13.981.

The purpose of the Health Education-Risk Reduction program is to assist State and local health agencies to initiate, evaluate, strengthen, and deliver health education-risk reduction programs. The grants will encourage the organization of health education efforts by public, private, and voluntary agencies to reduce the risks of premature death and disability associated with smoking, alcohol use, obesity, hypertension, stress, and other preventable health conditions and chronic diseases affecting the health of the American people. Methods to determine the prevalence of risk factors related to preventable health conditions and chronic diseases will be established by the grantees for consistent monitoring of the status of risks within communities and for further refinement and development of future Health Education-Risk Reduction programs. Also included in the program are demonstration and evaluation, community or school-based projects designed to deter smoking and the use of alcoholic beverages among children and adolescents.

It is expected that \$16 million will be available in fiscal year 1981. These funds will be sufficient to award approximately 54 continuation grants, with the average award expected to be \$296,000 and ranging from \$30,000 to \$1,500,000. Continuation grants within the approved project period are made on the basis of satisfactory progress in

meeting project objectives and will be funded for 11 months. The funding estimates outlined above may vary and are subject to change due to uncertainties in the appropriation process. No new applications and/or competitive supplements to the existing grants will be accepted for review, evaluation, and funding during fiscal year 1981. The deadline for submitting continuation applications in fiscal year 1981 is April 30, 1981. Continuation applications will be subject to review as governed by OMB circular A-95 and the National Health Planning and Resources Development Act, Pub. L. 93-641, as amended.

Program announcements, information on application and review procedures, the consequences of late submission, and other materials may be obtained from the Procurement and Grants Office, Centers for Disease Control, Atlanta, Georgia 30333, or the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: March 2, 1981

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

Department of Health and Human Services (HHS)

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223-6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521-35 Market Street; Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221-2318

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767-3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Regional Health Administrator, PHS, HHS Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810

Regional Health Administrator, PHS, HHS Region X, 1321 Second Avenue, M.S./837,

Arcade Plaza Building, Seattle, Washington 98101, (206) 442-0430

[FR Doc. 81-7881 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-05-M

Food and Drug Administration

Compilation of Preambles for Cosmetic Documents; Cumulative Supplement; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a cumulative supplement of the preamble compilation. This supplement contains significant preambles of published Federal Register documents relating to Cosmetic regulations, from April 1978 through March 1980.

ADDRESS: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for tracing, by subject, the historical development of agency regulations.

The notice of availability for the Cosmetic original volume was published in the **Federal Register** of October 31, 1980 (45 FR 72290). The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The supplement for the Cosmetic volume may be purchased from the Superintendent of Documents (address above) for \$3.00. To order, reference GPO stock No. 017-015-00182-2

Dated: March 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7535 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Radiology Device Section of the Obstetrics-Gynecology and Radiologic Devices Panel

Date, time, and place. April 2 and 3, 9 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 2, 9 a.m. to 10 a.m. open committee discussion, April 2, 10 a.m. to 5 p.m.; open public hearing, April 3, 9 a.m. to 10 a.m.; open committee discussion April 3, 10 a.m. to 4 p.m.; Lillian L. Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present information pertinent to nuclear magnetic resonance imaging and related health and safety issues, and on microwave/RF hyperthermia for use in cancer therapy. Those desiring to make formal presentations should notify the contact person by March 23, 1981, and submit a brief statement of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will be apprised of current knowledge and issues related to nuclear magnetic resonance imaging and microwave/RF hyperthermic cancer therapy, and will review a premarket approval application for a microwave/RF hyperthermic cancer therapy system.

Applications for reimbursement. Must be received by March 23, 1981.

Arthritis Advisory Committee

Date, time, and place. April 2 and 3, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, April 2, 9 a.m. to 11 a.m.; open public hearing, April 2, 11 a.m. to 12 m.; open committee discussion, April 2, 12 m. to 5 p.m.; April 3, 9 a.m. to 12 m.; John Harter, Bureau of Drugs (HFD-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the functions of advisory committees; review of previous action items and current works; the Disease Modifying Anti-Rheumatic Drugs Subcommittee will discuss long-term gold toxicity; the Aspirin Database Subcommittee will discuss the development of suitable automated data format.

Applications for reimbursement. Must be received by March 23, 1981.

Gastroenterology-Urology Device Section of the General Medical Devices Panel

Date, time, and place. April 13, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Norman T. Welford, Bureau of Medical Devices (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or reviews, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before March 23, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the

approximate time required to make their comments.

Open committee discussion. The Committee will discuss the comments on the proposed regulations of the Gastroenterology-Urology Device Section of the General Medical Devices Panel published on January 23, 1981. The Section will also discuss criteria needed for determining substantial equivalence of new hemodialyzers to similar products of comparable type in commercial distribution.

Applications for reimbursement. Must be received by March 30, 1981.

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. April 13 and 14, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 13, 9 a.m. to 10 a.m., open committee discussion, April 13, 10 a.m. to 5 p.m.; open public hearing, April 14, 9 a.m. to 10 a.m.; open committee discussion, April 14, 10 a.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7538.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to intraocular lenses and intraocular lens clinical investigation (April 13) and contact lenses and contact lens products (April 14). Those desiring to make formal presentations should notify the contact person by March 27, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Section will discuss the effects of ultraviolet radiation on aphakics, the classification of sodium hyaluronate, and questions concerning the possible biodegradation of nylon intraocular lens support material. It will also conduct reviews of premarket approval applications of intraocular lenses and may discuss other statistical/equidemological questions pertaining to intraocular lenses (April 13); the Section will also conduct review of premarket

approval applications for contact lens products (April 14).

Applications for reimbursement. Must be submitted by March 30, 1981.

Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel

Date, time, and place. April 20, 9 a.m., Spring Rm. East, Holiday Inn, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Nabeeh Mourad, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7234.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by April 10, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will make classification recommendations on (1) blood-grouping sera; (2) anti-human serum; and (3) administration sets packaged with blood derivatives. The Section will also review and comment on the reclassification petition under section 513(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(e)) by Travenol Laboratories, Inc., Deerfield, IL, for its Seal-less Centrifugal Automated Blood Cell Separators.

Applications for reimbursement. Must be received by April 1, 1981.

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. April 23 and 24, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 23, 9 a.m. to 10 a.m.; open committee discussion, April 23, 10 a.m. to 5 p.m. April 24, 9 a.m. to 5 p.m.; Cynthia Rushing, Bureau of Drugs (HFD-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3870.

General function of the committee. The Committee reviews and evaluates

available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will evaluate the safety and efficacy of Nylidrin (Arlidin) ϵ for the treatment of symptoms of the aged; and Penfluridol (Semap) ϵ a new antipsychotic; and review proposed revisions to the "Guidelines for Clinical Evaluation of Hypnotic Drugs."

Applications for reimbursement. Must be submitted by April 2, 1981.

Miscellaneous Internal Drug Products Panel

Date, time, and place. April 25 and 26, 9 a.m., Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 25, 9 a.m. to 10 a.m.; open committee discussion, April 25, 10 a.m. to 4:30 p.m., April 26, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

General function of the Committee. The Committee reviews and evaluates data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who wish to make such a presentation should notify the contact person before April 17, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by April 3, 1981.

Ear, Nose, and Throat Device Section of the Ophthalmic, Ear, Nose, and Throat, and Dental Devices Panel

Date, time, and place. April 27 and 28, 9 a.m., Rm. 703A-727A, 200

Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, April 27, 9 a.m. to 11:30 a.m.; open committee discussion, April 27, 1 p.m. to 4:30 p.m.; open public hearing, April 28, 9 a.m. to 11:30 a.m.; open committee discussion, April 28, 1 p.m. to 4:30 p.m.; Harry R. Sauberman, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-442-7537.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person by April 13, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will review and discuss (1) safety and efficacy of the argon laser for applications in otolaryngology; (2) petitions for reclassification of the argon laser (that have completed agency scientific review); (3) questions pertaining to FDA's investigational device exemption (IDE) regulation; (4) comments on FDA's hearing aid testing program at Winchester Engineering and Analytical Center (WEAC) and reported findings; (5) labeling of hearing aid batteries; (6) proposed premarket approval guidelines for tinnitus masking devices; and (7) other matters that may come to the attention of the Section relating to safety and efficacy of ear, nose, and throat devices.

Applications for reimbursement. Must be received by April 6, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for

the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE-88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: March 6, 1981.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-7792 Filed 3-10-81; 10:40 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by LeRoy M. Gomez, District Director, Denver District Office, Denver, CO.

DATE: The meeting will be held at 1 p.m., Wednesday, March 18, 1981.

ADDRESS: The meeting will be held at the Natrona County Public Library, Crawford Rm., 307 E. 2d, Casper, WY 82601.

FOR FURTHER INFORMATION CONTACT:

Grace P. Paavola, Consumer Affairs Officer, Food and Drug Administration, 500 U.S. Customhouse, Denver, CO 80202, 303-837-4915.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Denver District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 4, 1981.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-7534 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79M-0438]

Cooper Vision, Inc.; Pre-market Approval of Permalens[®] (Perfilcon A) Hydrophilic Contact Lens for Nonaphakic Extended Wear

Correction

In FR Doc. 81-6652 appearing at page 14969 in the issue of Tuesday March 3, 1981, Make the following Correction:

On page 14969, in the third column, in the first paragraph, in the ninth line from end of paragraph "(21 U.S.C. 360e(e)(1)(1))" should read, "(21 U.S.C. 360e(e)(1)(F))".

BILLING CODE 1505-01-M

Office of Human Development Services

[Program Announcement No. 13652-811]

Regional Adoption Resource Centers Demonstration Program

AGENCY: Administration for Children, Youth and Families Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Grant Funds for a regional Adoption Resource Center Demonstration Program in DHHS Region VIII.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for a Regional Adoption Resource Center grant in DHHS Region VIII for Fiscal Years, 1981, 1982, 1983. This program is authorized under Public Law 95-286, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Title II, Adoption Opportunities, 42 U.S.C. 5113).

DATES: Closing date for receipt of applications is May 27, 1981.

Scope of This Announcement

The purpose of this announcement is to solicit a replacement grantee to carry out the objectives of the Adoption Resource Centers Demonstration Program for the final three years of the five year program. The current Region VIII ARC has been operating continuously since October 1, 1979 to the present. Workplans from the first and second year program activity will be provided as part of the application kit to give all potential applicants a description of the background and program activities of the Region VIII Adoption Resource Center from October 1, 1979 to the present.

The ACYF is announcing the availability of \$283,568 for one grant to support a project which will be administered in the states of Colorado, Utah, Wyoming, Montana, North Dakota and South Dakota.

Program Purpose

The purpose of the Regional Adoption Resource Centers Demonstration Program is to provide assistance to public and private, voluntary agencies to improve the quality of their adoption services and to eliminate barriers to the adoption of special needs children, which includes minority, handicapped, sibling groups and older children.

Program Goals and Objectives

The goal of the overall demonstration program is to establish a Regional Adoption Resource Center in each of the ten (10) DHHS Regions. The network of

Regional Adoption Resource Centers is intended to be a major component of DHHS's activities directed toward carrying out the provisions of Title II of Pub. L. 95-266.

Applications for the project should demonstrate that the proposed project is capable of achieving all of the following program objectives:

- Identify and assess the adoption resources and practices within the geographical boundaries of the DHHS Region in which it operates.
- Establish a Regional adoption information clearinghouse in DHHS Region VIII.
- Provide a regional resource to assist and facilitate the growth and development of a national adoption information exchange system and implement strategies which will result in effective exchange activities (state and regional within the region).
- Facilitate inter-State and intra-State communication and coordination of program innovations and adoption planning processes.
- Establish and/or improve adoption and adoption related training programs in the States and other agencies and organizations in the Region with direct or indirect involvement in adoption services.
- Assist states and local agencies and organizations within DHHS Region VIII to address Region-specific objectives for improving and expanding adoption services.
- Establish the necessary linkages between foster care and adoption services.
- Provide support and financial assistance to parent groups in the planning, improving, developing and carrying out of programs and activities related to adoption. (Applicants will be responsible for conducting a competitive grant award process and awarding sub-grants to parent groups.)
- Implement specific strategies which will increase the numbers of adoptions of minority children.

Program Performance Guidelines

The Region VIII Adoption Resource Center will be required to submit a quarterly report based on the Program Performance Guidelines (A copy will be included in the application kit.)

The purpose of these guidelines and the reporting system is to provide program accountability to the government and the Congress for the funds which have been allocated to these Resource Center grants.

The performance standards will be self-administered and the results will document the quality and quantity of the Resource Center's work with respect to

each objective. The Steering Committee for each Regional Center will be responsible for reviewing and commenting on the report. The designated Government Project Officer and the assigned Regional Office staff person will be responsible for validating the report's findings.

Eligible Applicants

Public and private, nonprofit organizations, including institutions of higher learning may apply for a grant under this program announcement.

In order to be considered eligible the applicant must provide a written assurance that the applicant has been physically located in the DHHS Region VIII states it proposes to serve for a minimum of one year prior to the time the application is submitted. (Applications must include this assurance in order to be reviewed.)

Special Conditions for Funding

In order to be considered for review and funding, applicants must meet the following special conditions.

—The applicant must provide documentation that a fiscal audit has been completed by a CPA within the last two years, and that the audit shows that the agency has established an adequate accounting system with appropriate controls to safeguard assets, check the accuracy and reliability of accounting data and promote operating efficiency adequate to administer the project proposed under the program announcement.

—It is expected that substantive programmatic activities of the ARC will not be financed through a sub-grant or subcontract mechanism.

—It is expected that the management/administrative office will be located in close proximity to the program office in order to reduce overall management costs.

Available Funds

The FY '81 funds allocated for the Region VIII ARC is \$283,586. The project will be supported through September 29, 1984 and the initial grant will sustain the budget for the first 12 months of the project. Continuation funding will depend upon the satisfactory performance of the project and the availability of funds. The assessment of satisfactory performance will be performed by ACYF on at least an annual basis and will be a major factor in consideration of all funding requests subsequent to the initial grant award.

Grantee Share of the Project

There is no cost sharing or matching requirement for grants under this program.

Availability of Forms

Applications for a grant under the Region VIII Adoption Resource Center must be submitted on standard forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement may be obtained in writing from: Patricia Campiglia, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. Attention: 13652-811, Telephone: (202) 755-7730.

Application Submission

One signed original and two copies of the grant application are required. However, in order to facilitate processing of a grant application, an additional six copies should be submitted to: Grants Management Branch, Office of Human Development Services, Department of Health and Human Services, Room 1740, North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Attention: 13652-811.

Each of the Directors of Social Services of the states in Region VIII will have an opportunity to review all applications submitted from Region VIII. The Directors will submit their written comments to ACYF Central Office program staff. Therefore, one copy of each proposal should be sent to the following Directors of Social Services who are participating in the review process:

- Ruben A. Valdez, Executive Director, Department of Social Services, 1575 Sherman Street, Denver, Colorado 80203
 John La Faver, Director, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59601
 T. N. Tangedahl, Executive Director, Social Service Board, State Capitol, Bismarck, North Dakota 58505
 Anthony W. Mitchell, Ph. D, Executive Director, Department of Social Services, 150 W. North Temple Street, Salt Lake City, Utah 84110
 Bruce Hesse, Administrator, Office of Children, Youth and Family Services, Department of Social Services, Richard F. Kneip Building, Pierre, South Dakota 57501
 Jermy B. Wight, Administrator, Division of Public Assistance and Social Services, Department of Health and Social Services, Hathaway Building, Cheyenne, Wyoming 82002

The applicant must clearly identify the program announcement number for which the application is to compete. The

application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

A-95 Notification Process

The Regional Adoption Resource Centers Demonstration Program is included in the provision of OMB Circular A-95. Applicants for grants must, prior to the submission of an application, notify both the state and areawide A-95 Clearinghouse of their intent to apply for federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 20, 1977) for information on how they can meet the A-95 requirement.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration of Children, Youth and Families.

Additionally, the review process will include:

- (1) Written comments from the Directors of Social Services in the six states in Region VIII;
- (2) A financial review by staff in the OHDS Grants Management Branch;
- (3) Written comments from the Region VIII OHDS program staff and Central Office staff; and,
- (4) Comments received from the A-95 clearinghouses.

The results of the entire review process will assist the Commissioner for Children, Youth and Families in considering competing applications. The Commissioner will give special consideration to the applicant(s) which demonstrate(s) its interest and capability as an organization to continue to maintain and improve adoption services. This grant will serve to enrich and augment the applicant's current involvement in the field of adoption. This must be demonstrated in the following ways:

- (1) The applicant must demonstrate substantive current or previous experience in working with an adoption program in the State from which it applies or in nearby States. Experience could include the following elements: the development and/or implementation

of training and technical assistance programs in adoption; provision of adoptive services; advocacy for the adoption needs of waiting American children; or involvement with adoption exchanges;

(2) The applicant must describe ongoing regional support to adoption services and programs when the grant funds end; and,

(3) The applicant must demonstrate its capability to serve all parts of the Region including Indian reservations and military installations.

If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing.

Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated by a panel of reviewers against the following criteria:

1. The applicant demonstrates that the project objectives are capable of achieving the specific grant program objectives defined in this announcement including:
 - a presentation of the methods for assisting state agencies in coordinating and/or improving their adoptive services and practices and in improving the regional adoption exchange techniques;
 - a discussion of the project's expected impact in the Region;
 - a discussion of the applicant's demonstrated ability to complete the project within the proposed time schedules;
 - a presentation of the methods to establish a Steering Committee to provide leadership and consultation to the Resource Center; and
 - the applicant's written assurance that the Regional Resource Center will cooperate with the tasks and activities of the contractor responsible for implementing the national information exchange system.
2. The applicant adequately describes the current available adoption services and resources in the states of the Region to be served and demonstrates an understanding of the major issues of adoption reform and of the need to improve adoption services and practices.

3. The applicant documents

organizational capacity and plan for emphasis on program resources servicing racial and ethnic minority families, including specific capacity to employ professional and administrative level minority personnel.

4. The applicant demonstrates the adequacy of its facilities, resources and proposed organizational structure and documents the capability of the proposed staff and insures that the proposed project personnel are or will be well qualified in the field of child welfare services.

5. The estimated cost to the Government is reasonable considering the anticipated results and the applicant's written assurance of adequate fiscal management accountability and record keeping procedures. The budget shall provide sufficient funds for staff attendance at all required regional and national meetings.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is May 27, 1981. An application will be considered received on time if:

- (a) The application was sent by registered or certified mail not later than May 27, 1981, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or
- (b) The application is received on or before 5:30 p.m. May 27, 1981, in the Department of Health and Human Services mailroom in Washington, D.C.

In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services. A hand delivered application must be delivered to OHDS, Room 1740, HHS-North Building, 330 Independence Avenue SW., Washington, D.C. 20201, on or before 5:30 p.m. May 27, 1981. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 5:30 p.m., except Saturdays, Sundays, and Federal holidays. Applications received after the deadline or incorrectly sent to any Regional Office of the Department of Health and Human Services will not be accepted and will be returned to the applicant.

(Catalog of Federal Domestic Assistance Program Number 13.652—Administration for Children, Youth and Families—Adoption Opportunities)

Dated: March 4, 1981.

John Busa,

Acting Commissioner for Children, Youth and Families.

Approved: March 6, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-7493 Filed 3-12-81; 8:45 am]

BILLING CODE 4110-92-M

Social Security Administration

Privacy Act of 1974; Report of New System of Records

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: Notification of New System of Records—Supplemental Security Income Operational Quality Maintenance System (OQMS), HHS/SSA/OA, 09-60-0212.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records. We are proposing also to include statements of routine use with the system in accordance with 5 U.S.C. 552a(e)(11). We will use the proposed system for the purpose of identifying folders containing supporting documentation for claims for supplemental security income (SSI) benefits that have been selected on a sample basis for review.

We invite public comments on this proposal, including the routine use.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on February 20, 1981. The system of records will become effective April 21, 1981. The proposed routine use will become effective April 21, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESSES: Interested individuals may comment on this system of records by writing to the SSA Privacy Officer, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235. We will make comments received available for public inspection in Room 4212, West High Rise Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Sinek, Director, Division of Assistance and Records Operations Quality, Office of Assessment, P.O. Box

17040, Baltimore, Maryland 21235, telephone (301) 594-7966.

SUPPLEMENTARY INFORMATION: We are proposing to establish the OQMS system of records for the purpose of providing timely and detailed data on the quality of actions taken by social security field offices in processing claims and posteligibility factors involving benefits under the SSI program. This will include reviewing initial claims and redeterminations to decide continuing entitlement. In order to achieve this purpose, it is necessary that we review a statistically selected sample of folders to measure adherence to operating policy and procedures and then compile data reflecting discovered deficiencies. We will use data in this system of records to determine whether there is a deficiency in the reviewed folders, and if so, the nature and cause of such deficiency.

The Privacy Act permits us to disclose information without the consent of an individual for "routine uses," that is, disclosure for purposes which are compatible with the purpose for which we collect information. Our regulation 20 CFR Part 401 (Federal Register, 11-13-80, pp. 74906-74918) sets our the criteria under which we will disclose information under a "routine use." Accordingly, we are proposing a routine use which provides for disclosure of an individual's record in response to congressional inquiries made at the request of that individual.

This system of records will contain manual and automated records. We will maintain the manual records in locked file cabinets and restrict access to the records to employees who have a need for them in the performance of their official duties. We will maintain system security for the automated records in accordance with National Bureau of Standards guidelines and the HHS ADP System Manual, "Part 6, ADP System Security." This will include maintaining the records in an enclosure attended by security guards and issuing special badges to all personnel authorized to enter the enclosure. The Privacy Act prescribes specific penalties for unauthorized disclosure; penalty provisions will be explained to all individuals working the records.

Since we are proposing to establish this system of records in accordance with the requirements and principles of the Privacy Act, we do not anticipate that it will have an unfavorable effect on the privacy or other personal rights of individuals.

Dated: February 20, 1981.

Herbert R. Doggett, Jr.,

Acting Commissioner of Social Security.

09-60-0212

SYSTEM NAME:

Supplemental Security Income Operational Quality Maintenance System, HHS/SSA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Each Supplemental Security Income Analysis (SSIAB), one of which is located in each of the 10 SSA Field Assessment Offices (FAO) and at central office in Baltimore, Maryland. See the Appendix to this notice for the address of the above offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of supplemental security income (SSI) payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicant or recipient's name, social security number, date application or action is processed, payment status, type of case, and, if a deficiency is found, the type and source of the error.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 702 and 1631 of the Social Security Act.

PURPOSES:

SSA regional management will use data derived from this system to measure and rank the quality of their field offices' performance, to identify policies and procedures that are being improperly interpreted, and to identify training needs. These purposes will be served on a national basis through analysis of the data by the Office of Assessment at the central office in Baltimore, Maryland.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed as indicated below:

To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

In file folders, on disk cartridges, and on cassette tapes.

RETRIEVABILITY:

Where necessary, we will retrieve individual data from this system by individual social security number.

SAFEGUARDS:

We will store claims review data input forms in locked file cabinets. We maintain system security for automated records in accordance with the HHS ADP System Manual, "Part 6, ADP System Security." This will include maintaining the records in an enclosure attended by security guards and limiting access to the records to authorized individuals who have a need for them in the performance of their official duties.

RETENTION AND DISPOSAL:

We will maintain paper records for 6 months and then destroy them by shredding. We will retain disk cartridges and cassette tapes for 12 months and then erase them.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Assistance and Records Operations Quality, Office of Assessment, P.O. Box 17040, Baltimore, Maryland 21235. Telephone (301) 594-7986.

NOTIFICATION PROCEDURES:

Inquiries related to information in this system should be directed to the system manager at the above address or to the Field Assessment Officers listed in the Appendix to this notice. Individuals should provide their names and social security numbers (SSN's) when requesting notification. Since disclosure of the SSN is voluntary, if an individual is unable or unwilling to provide his or her SSN, we will request additional information (e.g., date and place of birth and parents names) in lieu of the SSN to aid in our efforts to locate the requested record.

RECORD ACCESS PROCEDURES:

If an individual desires access to information in this system of records, he or she should follow the notification procedures above and reasonably specify the record contents he or she is accessing.

CONTESTING RECORD PROCEDURES:

If an individual wishes to contest information in this system of records, he or she should follow the notification procedures above and reasonably specify the information he or she is contesting.

RECORD SOURCE CATEGORIES:

Information in this system will be derived from the Claims Folders and Post-Adjudicative Records of Applicants for and Beneficiaries of Social Security

Benefits (09-60-0089) system of records, and from review findings and analyses.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Regional Addresses*Region I*

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, P.O. Box 155, Boston, MA 02110

Region II

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 747, 28 Federal Plaza, New York, NY 10007

Region III

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 10250, P.O. Box 8788, Philadelphia, PA 19101

Region IV

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, 19th Floor, Marietta Tower, 101 Marietta Avenue, Atlanta, GA 30323

Region V

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 1180, 175 West Jackson Street, Chicago, IL 60604

Region VI

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 436, 601 East 12th Street, Kansas City, MO 64104

Region VII

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Room 8-A20, 1100 Commerce Street, Dallas, TX 75242

Region VIII

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, P.O. Box 8839, Denver, CO 80201

Region IX

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, 25th Floor, 100 Van Ness Avenue, San Francisco, CA 94102

Region X

HHS/SSA/Office of Assessment, Field Assessment Officer, Attn: SSI Analysis Branch, Mail Stop 207, Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101

Central Office Address

HHS/SSA/Office of Assessment, Director, Division of Assistance and Records Operations Quality, P.O. Box 17040, Baltimore, MD 21235

(FR Doc. 81-7791 Filed 3-13-81; 9:45 am)

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Migratory Bird Hunting; Meetings**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces that representatives of the U.S. Fish and Wildlife Service will be in attendance at meetings of the Atlantic, Mississippi, Central, Pacific, and National Flyway Councils at the following times and locations.

DATES:

March 21, 1981—Central Flyway Council, 2 p.m.

March 22, 1981:

—Atlantic Flyway Council, 9 a.m.

—Mississippi Flyway Council, 9 a.m.

—Pacific Flyway Council, 9 a.m.

—National Waterfowl Council, 3 p.m.

ADDRESS: Council meetings will be held at the Shoreham Hotel, 2500 Calvert Street, Washington, D.C. as follows:

Central Flyway Council, Palladian Room.

Lower Lobby Level:

Atlantic Flyway Council, Executive Room,

Upper Lobby Level;

Mississippi Flyway Council, Palladian Room,

Lower Lobby Level;

Pacific Flyway Council, Club Room A, Upper

Lobby Level;

National Waterfowl Council, The Forum,

Upper Lobby Level.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone AC 202-254-3207.

SUPPLEMENTARY INFORMATION: Flyway Councils are organizations of State conservation agencies which cooperate with the U.S. Fish and Wildlife Service and the Canadian Wildlife Service in migratory bird management and research programs. Their meetings are scheduled in conjunction with the 46th North American Wildlife and Natural Resources Conference to be held March 21-25, 1981, at the Shoreham Hotel, Washington, DC. Although the U.S. Fish and Wildlife Service is not a member of these councils, it will be represented at the above meetings to facilitate discussions of various migratory bird management and research programs, many of which are conducted jointly with the Service. Service personnel will attend only those portions of the above meetings which are open to the public.

Dated: March 9, 1981.

Michael J. Spear,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-7895 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Gulf Oil Exploration and Production Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3265, Block 198, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 6, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-7807 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[CA 8576]

Public Lands in Imperial County, Calif.; Realty Action; Sale

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1713), at no less than the fair market value shown:

Legal description: NE¼ and S½ Sec. 28, T. 9 S., R. 12 E., San Bernardino Meridian
Acreage: 480
Value: \$39,000

Recent rain storm activity in Southern California has caused a rapid rise in the Salton Sea. This, coupled with the unusual climatic events of the last three years has caused the community of Bombay Beach, which is situated in the coastal hazard zone of the Salton Sea, to be left in the precarious position of inundation if it were not for a temporary dike constructed by the U.S. Army Corps of Engineers. The Corps of Engineers has warned the Bombay Beach Community Services District, as well as the Imperial County Board of Supervisors and the Office of Emergency Services, of the potential loss of property and possibly life should the existing deteriorated dike system fail. Therefore, the lands are being sold noncompetitively to the Bombay Beach Community Services District to assure equitable distribution among purchasers who are residents of Bombay Beach. The sale is consistent with the Bureau's planning for the land involved, and the public interest would be served by offering these lands for sale.

The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).
2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.
3. The lands will be sold subject to (a) those rights for highway purposes across the NE¼, W½SW¼, and NE¼SW¼ said Sec. 28 as have been granted to the State of California by permit number Los Angeles 052217, under the Act of November 9, 1921, as amended and supplemented (42 Stat. 212); (b) those rights for telephone line purposes across the NE¼, W½SW¼, and NE¼SW¼ said Sec. 28 as have been granted to The Pacific Telephone and Telegraph Company, its successors or assigns, by permit number Los Angeles 0170375

under the Act of March 4, 1911, as amended (36 Stat. 1253, 43 U.S.C. 961); and (c) those rights for sewer and water pipeline purposes across the SW¼ said Sec. 28 as have been granted to the Coachella Valley County Water District, its successors or assigns, by permit number R 4458 under the Act of February 15, 1901 (31 Stat. 790, 43 U.S.C. 959).

4. Pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 24, 1977, and the Act of October 21, 1976 (43 U.S.C. 1718), the patent will be subject to a restriction which constitutes a covenant running with the land, that any land in the E½SE¼ and SW¼SE¼ said Sec. 28, below an elevation of 220 feet below mean sea level may not be used for residential buildings.

Detailed information concerning the sale is available for review at the El Centro Resource Area Office, 833 South Waterman Avenue, El Centro, California.

On or before April 27, 1981 interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operation.

March 6, 1981.

[FR Doc. 81-7894 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 19291-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3530 of January 29, 1965, be continued in part as to the following described land for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Cherry Creek Research Natural Area

T. 27 S., R. 10 W.,

Sec. 17, W½W½SW¼;

Sec. 18, Lots 5, 6, 7, 12, N½ of Lot 8, S½NE¼, SE¼;

Sec. 19, N½ of Lot 1, SE¼ of Lot 1, N½NE¼;

Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 590.00 acres in Coos County, Oregon.

The purpose of the withdrawal, formerly known as the Douglas Fir area, is to protect the unique botanical, geological, or zoological characteristics and of irreplaceable scientific and recreation values. The land is currently segregated from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before April 20, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before April 20, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 5, 1981.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 81-7862 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-04-M

National Park Service

Lake Mead National Recreation Area; Boundary Revision Update

AGENCY: United States Department of the Interior, National Park Service, Lake Mead National Recreation Area.

ACTION: Notice of current boundary.

SUMMARY: The purpose of this notice is to advise the public that the Lake Mead National Recreation Area boundary map now in use, RA-LM-7060-B, dated July 17, 1963, is outdated and does not accurately reflect the present boundary. A revised map, No. 8360-80013A dated December, 1979, has been prepared which correctly delineates the current boundary. The map and written description of the boundary are available for public inspection at the Lake Mead National Recreation Area's administration office at 601 Nevada Highway, Boulder City, Nevada.

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

ADDRESS: National Park Service, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005.

FOR FURTHER INFORMATION CONTACT: Superintendent, 702-293-4041.

SUPPLEMENTARY INFORMATION: None.

Dated: January 25, 1980.

Gary E. Bunney,
Acting Superintendent.
Stanley T. Albright,
Acting Regional Director, Western Region,
National Park Service.

Boundary Description of Concurrent Criminal Jurisdiction of Lake Mead National Recreation Area, Arizona, May 1977

That portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Gila and Salt River Meridian, Mohave County, State of Arizona, described as beginning at the common corner on the state line between the State of Arizona and State of Nevada, said corner being a point in midstream of the Colorado River as projected from the common West Range Line of township 32 North, Range 16 West, Gila and Salt River Meridian, Mohave County, Arizona and the East Range Line of Township 20 South, Range 71 East, Mount Diablo

Meridian, Clark County, Nevada; thence, North on said state line to the northwest corner of Section 6, T. 33 N., R. 16 W., Gila and Salt River Meridian; thence, East on township line to the common North corner of Sections 3 and 4, T. 33 N., R. 15 W.; thence, South on section lines to the common South corner of Sections 33 and 34, T. 33 N., R. 15 W.; thence, East on township line to the common North corner of Section 6, T. 32 N., R. 14 W. and Section 1, T. 32 N., R. 15 W.; thence, South on range line to the Southeast corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, T. 32 N., R. 15 W. being a common corner on the boundary line of Grand Canyon National Park and Lake Mead National Recreation Area; thence with same, West on North $\frac{1}{4}$ lines to the intersection in Section 30, T. 32 N., R. 15 W. with the line as projected North from river mile 277.0 of the Colorado River; thence with same, South passing through said river mile 277.0 of the Colorado River to the south high water line of Lake Mead (1,221 foot contour); thence with same, Westerly to the intersection with a section line as projected North from the Northwest corner of Section 2, T. 31 N., R. 16 W.; thence, South on section lines to the common South corner of Sections 34 and 35, T. 31 N., R. 16 W.; thence, leaving the boundary line of Grand Canyon National Park, West on township line to common North corner of Sections 4 and 5, T. 30 N., R. 16 W.; thence, South on section lines to the common corner of Sections 8, 9, 16 and 17, T. 30 N., R. 16 W.; thence, West on section line to the common corner of Sections 7, 8, 17 and 18, T. 30 N., R. 16 W.; thence, South on section line to the common corner of Sections 17, 18, 19 and 20, T. 30 N., R. 16 W.; thence, West on section lines to the common corner of Sections 14, 15, 22 and 23, T. 30 N., R. 17 W.; thence, South on section line to the common corner of Sections 22, 23, 26 and 27, T. 30 N., R. 17 W.; thence, West on section lines to the common corner of Sections 20, 21, 28 and 29, T. 30 N., R. 17 W.; thence, South on section lines to the common corner of Sections 8, 9, 16 and 17, T. 29 N., R. 17 W.; thence, West on section lines to the common corner of Sections 10, 11, 14 and 15, T. 29 N., R. 19 W.; thence, North on section lines to the common corner of Sections 2 and 3, T. 29 N., R. 19 W. and Sections 34 and 35, T. 30 N., R. 19 W.; thence, West on township line to the common corner of Sections 4 and 5, T. 29 N., R. 19 W. and Sections 32 and 33, T. 30 N., R. 19 W.; thence, North on section lines to the common corner of Sections 20, 21, 28 and 29, T. 30 N., R. 19 W.; thence, West on section lines to the common corner of Sections 19 and 30, T.

30 N., R. 19 W. and Sections 24 and 25, T. 30 N., R. 20 W.; thence, North on range line to the common corner of Sections 18 and 19, T. 30 N., R. 19 W. and Sections 13 and 24, T. 30 N., R. 20 W.; thence, West on section line to the common corner of Sections 13, 14, 23 and 24, T. 30 N., R. 20 W.; thence, South on section lines to the common corner of Sections 25, 26, 35 and 36, T. 30 N., R. 20 W.; thence, West on section line to the common corner of Sections 26, 27, 34 and 35, T. 30 N., R. 20 W.; thence, South on section line to the common corner of Sections 2 and 3, T. 29 N., R. 20 W. and Sections 34 and 35, T. 30 N., R. 20 W.; thence, West on township line to the common corner of Sections 3 and 4, T. 29 N., R. 21 W. and Sections 33 and 34, T. 30 N., R. 21 W.; thence, North on section lines to the common corner of Sections 15, 16, 21 and 22, T. 30 N., R. 21 W.; thence, West on section line to the common corner of sections 16, 17, 20 and 21, T. 30 N., R. 21 W.; thence, North on section lines to the common corner of Sections 4 and 5, T. 30 N., R. 21 W. and Sections 32 and 33, T. 31 N., R. 21 W.; thence, West on township line to the North $\frac{1}{4}$ corner of Section 2, T. 30 N., R. 22 W.; thence, South on section centerline to the center of Section 2, T. 30 N., R. 22 W.; thence, West on section centerline to the common $\frac{1}{4}$ corner of Sections 2 and 3, T. 30 N., R. 22 W.; thence, South on section lines to the common corner of Sections 2, 3, 10 and 11, T. 29 N., R. 22 W.; thence, East on section line to the common corner of Sections 1, 2, 11 and 12, T. 29 N., R. 22 W.; thence, South on section lines to the common corner of Sections 13, 14, 23 and 24, T. 29 N., R. 22 W.; thence, East on section line to the common corner of Sections 18 and 19, T. 29 N., R. 21 W. and Sections 13 and 24, T. 29 N., R. 22 W.; thence, South on range line to the common South corner of Section 31, T. 29 N., R. 21 W. and Section 36, T. 29 N., R. 22 W.; thence, East on township line to the common North Corner of Section 6, T. 28 N., R. 21 W. and Section 1, T. 28 N., R. 22 W.; thence, South on range line to the common corner of T. 25 and 26 N., R. 21 and 22 W.; thence, West on township line to the common corner of Sections 3 and 4, T. 25 N., R. 22 W. and Sections 33 and 34, T. 26 N., R. 22 W.; thence, South on section lines to the common South corner of Sections 33 and 34, T. 25 N., R. 22 W.; thence, East on township line to the common North corner of Sections 1 and 2, T. 24 N., R. 22 W.; thence, South on section lines to the common corner of Sections 13, 14, 23 and 24, T. 24 N., R. 22 W.; thence, East on section line to the common corner of Sections 18 and 19, R. 24 N., R. 21 W.

and Sections 13 and 24, T. 24 N., R. 22 W.; thence, South on range line to the common corner of T. 23 and 24 N., R. 21 and 22 W.; thence, East on township line to the common corner of Sections 3 and 4, T. 23 N., R. 21 W., and Sections 33 and 34, T. 24 N., R. 21 W.; thence, South on section lines to the common corner of Sections 9, 10, 15 and 16, T. 21 N., R. 21 W.; thence, West on section line to the common corner of Sections 8, 9, 16 and 17, T. 21 N., R. 21 W.; thence, South on section lines to the common corner of Sections 20, 21, 28 and 29, T. 21 N., R. 21 W.; thence, West on section lines to the Northwest corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 21 N., R. 21 W.; thence, South on the East $\frac{1}{4}$ line to the Southeast corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, T. 21 N., R. 21 W.; thence, West on the south $\frac{1}{4}$ line of Section 30 to the common boundary line, at midstream of the Colorado River, of West Range Line of Township 21 North, Range 21 West, Gila and Salt River Meridian, Mohave County, Arizona and East Range Line of Township 32 South, Range 66 East, Mount Diablo Meridian, Clark County, Nevada; thence, Northerly at midstream of the Colorado River, the state line between Arizona and Nevada, to the point of beginning.

Also that portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Mohave County, State of Arizona, described as beginning at the common corner of Townships 31 and 32 North, Ranges 13 and 14 West, Gila and Salt River Meridian; thence, South on range line to a point on the rim of Grand Canyon at the common line of Section 7, T. 31 N., R. 13 W. and Section 12, T. 31 N., R. 14 W., said rim being the boundary line of Grand Canyon National Park; thence with same, Northwesterly on said rim of the Grand Canyon to township line common with Section 1, T. 31 N., R. 14 W. and Section 36, T. 32 N., R. 14 W.; thence, leaving the boundary line of Grand Canyon National Park, East on township line to the point of beginning.

Also that portion of the tract of land known as "Lake Mead National Recreation Area" lying situate and being in Mohave County, State of Arizona, described as beginning at the common corner of Townships 31 and 32 North, Ranges 12 and 13 West, Gila and Salt River Meridian; thence, South on range line to the common corner of Sections 6 and 7, T. 31 N., R. 12 W. and Sections 1 and 12, T. 31 N., R. 13 W.; thence, East on section lines to the common corner of Sections 2, 3, 10 and 11, T. 31 N., R. 12 W.; thence, North on section line to the common corner of Sections 2 and 3, T. 31

N., R. 12 W. and Sections 34 and 35, T. 32 N., R. 12 W.; thence, East on township line to the common corner of Sections 1 and 2, T. 31 N., R. 12 W. and Sections 35 and 36, T. 32 N., R. 12 W.; thence, North on section line to the common corner of Sections 25, 26, 35 and 36, T. 32 N., R. 12 W.; thence, East on section line to the common corner of Sections 30 and 31, T. 32 N., R. 11 W. and Sections 25 and 36, T. 32 N., R. 12 W.; thence, North on range line to the common corner of Sections 19 and 30, T. 32 N., R. 11 W. and Sections 24 and 25, T. 32 N., R. 12 W.; thence, East on section lines to the common corner of Sections 19 and 30, T. 32 N., R. 10 W. and Sections 24 and 25, T. 32 N., R. 11 W.; thence, North on range line to the common North corner of Section 6, T. 32 N., R. 10 W. and Section 1, T. 32 N., R. 1 W.; thence, West on township line to the common South corner of Section 31, T. 33 N., R. 10 W. and Section 36, T. 33 N., R. 11 W.; thence, North on range line to the common corner of Sections 18 and 19, T. 33 N., R. 10 W. and Sections 13 and 24, T. 33 N., R. 11 W.; thence, East on section lines to a point on the hydrographic divide of the Uinkaret Mountains South of Mount Emma at the common line of Sections 17 and 20, T. 33 N., R. 8 W., said hydrographic divide being the boundary line of Grand Canyon National Park; thence with same, South on said hydrographic divide of the Uinkaret Mountains to a point on the line of Sections 28 and 33, T. 33 N., R. 8 W.; thence, East on section line to the common corner of Sections 27, 28, 33 and 34, T. 33 N., R. 8 W.; thence, South on section line to the common South corner of Sections 33 and 34, T. 33 N., R. 8 W.; thence, East on township line to the common North corner of Sections 3 and 4, T. 32 N., R. 8 W.; thence, South on section lines to a point on the rim of the Inner Canyon of the Grand Canyon at the common line of Sections 9 and 10, T. 32 N., R. 8 W.; thence, West on said rim of the Inner Canyon of the Grand Canyon to the rim of Lone Mountain near the mouth of Andrus Canyon; thence, on an indefinite boundary line including said Andrus Canyon in T. 31 N., R. 10 W. and T. 32 N., R. 10 W. to the hydrographic divide lying Westerly of the mouth of the Parashant Canyon; thence, Westerly along said hydrographic divide crossing Mollies Nipple to the rim of Grand Canyon near the common line of Sections 18 and 19, T. 31 N., R. 10 W.; thence, Westerly on said rim of the Grand Canyon around Shivwits Plateau, Suicide Point, Turn Point and Burnt Canyon Point to the intersection with the North-South centerline of Section 16, T. 31 N., R. 13

W.; thence, North on section centerlines to a point on said rim of the Grand Canyon within Section 9, T. 31 N., R. 13 W.; thence, northeasterly on said rim of the Grand Canyon to the intersection with the North-South centerline of Section 4, T. 31 N., R. 13 W.; thence, leaving the lands of Grand Canyon National Park, North on section centerline to the North ¼ corner of Section 4, T. 31 N., R. 13 W.; thence, East on township line to the point of beginning.

[FR Doc. 81-7908 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-70-M

Outdoor World Ltd. (ARA Services); Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 13, 1981, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with ARA Services dba Outdoor World Ltd. authorizing it to continue to provide lodging, food and beverage service, transportation facilities and services, automobile service stations, campers' service facilities, any and all services and merchandising which are customary in connection with the above operations, facilities and services for the public at Denali National Park and Preserve, Alaska for a period of twenty (20) years from execution of contract through December 31, 2001.

A supplement to the Interim Development Concept Plan for the headquarters/hotel area (approved 1976) and an Environmental Assessment for the construction of selected facilities have been prepared and distributed for public review and comment. The supplement and environmental assessment may be reviewed in the Alaska Regional Office, 540 West Fifth Avenue, Anchorage Alaska.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1987, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants ARA Services dba Outdoor World Ltd. as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of ARA

Services dba Outdoor World Ltd. is substantially equal to others received. In the event a responsive proposal superior to that of ARA Services dba Outdoor World Ltd. (as determined by the Secretary) is submitted, ARA Services dba Outdoor World Ltd. will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with ARA Services dba Outdoor World Ltd. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before April 13, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Alaska Regional Office, for information as to the requirements of the proposed contract.

Dated: February 20, 1981.

Douglas G. Warnock,

Acting Regional Director, Alaska.

[FR Doc. 81-7910 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-70-M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held in Washington, D.C., and Harpers Ferry, W.VA, April 6, 7 and 8.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System.

The members of the Advisory Board are: Mr. Bill Wiener, Jr. (Chairman), Shreveport, LA; Dr. Douglas D. Anderson (Vice Chairman), Providence, R.I.; Dr. Kathleen Shea Abrams, Miami Shores, FL; Hon. Alan Bible, Reno, NV; Mr. Carl Burke, Boise, ID; Mr. Larry Erickson, Minot, ND; Mrs. Anne Morton, Easton, MD; Dr. Asa C. Sims, Jr., New Orleans, LA; Hon. Roy A. Taylor, Black Mountain, NC; Dr. Edgar Wayburn, San Francisco, CA; Mr. D. Lindsay Pettus, Lancaster, SC; Dr. Robin Winks, New Haven CT.

On April 6 and 8 the Advisory Board will meet in general business sessions starting at 9:00 a.m. in Room 7000A Department of the Interior, 18th and C Sts, N.W., Washington, D.C. to consider administrative matters pertaining to the Board; review and discuss legislative and management issues affecting the National Park System; and to receive a committee report on urban parks. On April 7 the Advisory Board will be on a

field trip to the Harpers Ferry Center, Harpers Ferry, W.VA, for an overview of the Center and program briefings.

The meetings will be open to the public. Space and facilities to accommodate members of the public at the general sessions of the meeting are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting or who wish to submit written statements may contact Shirley Luikens, Advisory Boards and Commissions, National Park Service, Washington, DC 20240 (202-343-2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3416, Interior Building, Washington, D.C.

Dated: March 9, 1981.

Jean C. Henderer,

Chief, Office of Cooperative Activities, National Park Service.

[FR Doc. 81-7909 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service

Availability of Fryingpan-Arkansas Project Water From Ruedi Reservoir; Contract Negotiations With Colony Development Operation, Basalt Water Conservancy District, West Divide Water Conservancy District, and Battlement Mesa, Inc.; Supplement

Notice of intent to negotiate water service contracts for the sale of water from Ruedi Reservoir, Fryingpan-Arkansas Project; Supplement.

FR Doc. 80-38061, appearing in the Federal Register of December 9, 1980, on pages 81129-81130 is supplemented as follows:

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are made available to the public. If little or no public interest is evidenced in these negotiations as gauged by the response to this notice, the previous notice of December 9, 1980, and local news releases or announcements, the availability of the proposed forms of contract for public review and comment will not be publicized through the Federal Register or other media. The Commissioner of Water and Power will review comments submitted and based on the number, sources, and nature of the comments, will decide whether to hold a public hearing.

Dated: March 9, 1981.

Aldon D. Nielsen,
Acting Assistant Commissioner of Water and
Power Resources.

[FR Doc. 81-7809 Filed 3-12-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Angus I. Hines, Inc., 1426 Holland Road, Suffolk, Virginia 23434.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

A. Greenville Transport Company—Virginia; Central Oil Corporation—Virginia.

B. Sentry Petroleum, Inc.—Virginia.

1. Parent corporation: Getty Oil Company (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

2. Wholly-owned subsidiaries as follow:

(I) Getty Refining and Marketing Company (Delaware), 1437 South Boulder, Tulsa, Oklahoma 74119.

(II) Arbuckle Pipe Line Company (Delaware), 1670 Broadway, Denver, Colorado 80202.

(III) Hawkeye Chemical Company (Iowa), P.O. Box 899, Clinton, Iowa 52732.

(IV) Getty Methanol Corporation (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

(V) Chembond Corporation (Oregon), P.O. Box 270, Springfield, Oregon 97477.

(VI) Pontotoc Oil Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202.

(VII) Wesco Pipe Line Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202.

(VIII) Western Crude Oil, Inc. (Delaware), 1670 Broadway, Denver, Colorado 80202.

(IX) Wyant Pipe Line Company (Michigan), 1300 North Fancher, P.O. Box 348, Mt. Pleasant, Michigan 48858.

1. Parent Corporation and address of principal office: Hendrie's, Inc., One Harvest Lane, Southborough, Massachusetts 01772.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Hendrie's Frozen Foods, Inc.—Massachusetts.

(ii) Hendrie's Cold Storage, Inc.—Massachusetts.

1. Parent corporation and address of principal office: Koch Industries, Inc., 4111 E. 37th Street, North, P.O. Box 2256, Wichita, Kansas 67201.

2. Wholly-owned subsidiaries which will participate in the operation and State(s) of incorporation:

A. Chase Pipe Line Company (Kansas).

B. Koch Carbon, Inc. (Delaware).

C. Koch Chemical Company (Texas).

D. Koch Engineering Company (Kansas).

E. Matador Pipelines, Inc. (Texas).

F. Matador Service, Inc. (Kansas).

1. Parent corporation and address of principal office: Koch Refining Company, 4111 E. 37th Street, North, P.O. Box 2256, Wichita, Kansas 67201.

2. Wholly-owned subsidiaries which will participate in the operations and State(s) of incorporation:

A. Koch Fuels, Inc. (Delaware).

B. Koch Marketing Company (Delaware).

C. Wood River Oil & Refining Company of Minnesota (Minnesota).

1. Parent Corporation: Robel Beef Packers, Inc., Box 430, 1420 3rd Ave. So., St. Cloud, Minnesota 56301.

2. Wholly-owned subsidiaries: Southview Foods, Box 429, Main and Dameron Streets, Macon, Missouri 63552. State Incorp.: Missouri.

1. Parent corporation and address of principal office: Serrmi, Inc., P.O. Box 43346, 5290 Tulane Drive, SW, Atlanta, Fulton County, Georgia 30336.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(i) Serrmi Products, Inc., incorporated in State of Georgia; and

(ii) Serrmi Services, Inc., incorporated in State of Georgia.

1. Parent Corporation: Thomas Industries, Inc., P.O. Box 35120, 207 E. Broadway, Louisville, KY 40232.

2. Wholly-owned subsidiaries which will participate in the operations:

Subsidiaries and State of Incorporation

Builders Brass Works, P.O. Box 2043, 3474 Union Pacific Ave., Los Angeles, CA 90023; Calif.

C&M Products Limited, 189 Bullock Drive, Markham, Ont., Canada L3P 1W4; Ont., Canada.

Contempra Industries, Inc., P.O. Box 97, 371 Essex Road, Neptune, NJ 07753; New Jersey.

Contempra Industries International, Inc., P.O. Box 97, Neptune, NJ 07753; New Jersey.

Oliver-MacLeod Limited, P.O. Box 730, 5 Edward Street, Gravenhurst, Ont., Canada POC 1 G0; Ont., Canada. Pouliot Design Corporation, 4700 Valley Industrial Blvd., Shakopee, MN 55379; Minnesota.

Thomas Industries International, Inc., 207 E. Broadway, P.O. Box 35120, Louisville, KY 40232; Delaware.

Thomas Industries of Tennessee, Inc., 207 E. Broadway, P.O. Box 35120, Louisville, KY 40232; Tennessee.

1. Parent corporation and address of principal office: Wallace Tractor Company, Inc., P.O. Box 518, Highway 49 South, Mendenhall, Mississippi 39114.

2. Wholly owned subsidiaries which will participate in the operations, and State of incorporation: Smith County Equipment Company, Inc., P.O. Box 210, Highway 28 East, Taylorsville, Mississippi 39168; a Mississippi corporation.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7857 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-W

[Volume No. OP1-063]

Motor Carrier Finance Applications

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 255 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions,

and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human 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 as to the finance application or to the following operating rights applications directly related thereto 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 where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: March 5, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,
Secretary.

MC 152620 (Sub-1), filed February 6, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Transporting such commodities as are dealt in or used by grocery stores and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

Note.—This application is directly related to MC-F-14576, published in this same Federal Register issue.

[FR Doc. 81-7851 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-064]

Application

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 ICC 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 be will construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed

transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in 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: March 5, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Taylor.

MC-F-14576, filed February 10, 1981. SPECIAL CARRIERS, INC. (Special) (1500 Walnut St., 19th Floor South, Philadelphia, PA 19102)—continuance in control—customized transportation, inc. (Customized) (999 North Main St., Glen Ellyn, IL 60137). Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; and H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA 19102. Special seeks authority to continue in control of Customized upon the institution by Customized of operations, in interstate or foreign commerce, as a motor contract carrier. IU International Corporation, the sole stockholder of Special, seeks authority to acquire control of said rights and property through the transaction. Special is a newly formed corporation and holds no interstate operating rights, and has two continuance in control proceedings pending before the Commission in Gemini Trucking pursuant to MC-F-14509, and Pioneer Trucking, Inc. pursuant to MC-F-14546. IU International Corporation is a publicly held non-carrier corporation that controls IU Transportation Services, Inc., a holding company controlling Ryder Truck Lines, Inc. (MC 2900 and

MC 151050), and Pacific Intermountain Express Co. (MC 730). Ryder Truck Lines, Inc., also controls Ryder Truck Lines, LTD, which has applied for authority to purchase operating authority from Reliable Transport (U.S.) Ltd., in MC-F-14429. Ryder Truck Lines Inc., also controls Ryder Forwarding, Inc., a freight forwarder (FF 341), and RTL Holdings, Inc., a property broker (MC 130636). Impediment: The continuance in control of Special by Customized upon the commencement by Special of regulated motor carrier (Special) by a non-carrier (Customized) which is under common control with a freight forwarder (Ryder Forwarding) in violation of 49 U.S.C. 11323(a). Final approval, therefore, will be withheld until applicant submits an acceptable plan for eliminating the unlawful aspects of the control of these entities.

Note.—Customized Transportation, Inc. has filed as a directly related application its initial contract carrier application, docketed MC 152620 (Sub-1), which is published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7850 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section

of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the 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. OP2-036

Decided: March 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Member Taylor not participating.)

MC 107012 (Sub-655), filed February 4, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *transportation equipment*, between Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107162 (Sub-79), filed February 5, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 43703. Transporting *building materials*, between points in

the U.S., under continuing contract(s) with Midwest Lumber Associates, a partnership, of Sun Prairie, WI.

MC 113362 (Sub-414), filed February 2, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507-433-3427. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Consolidated Papers, Inc., at points in the U.S., 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 118202 (Sub-167), filed February 2, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting (1) *machinery* and (2) *metal products*, between points in Anoka County, MN, Winnebago County, WI, and Bexar County, TX, on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-168), filed February 3, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Stauffer Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-170), filed February 2, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *machinery*, between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the U.S.

MC 121082 (Sub-23), filed February 5, 1981. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. Transporting *general commodities* (except classes A and B explosives), between points in WI, MN, IA, FL, GA, NC, SC, TN, MS, AL, AR, LA, TX, and DC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and TX.

MC 124692 (Sub-360), filed February 5, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas, (same address as applicant),

406-728-2600. Transporting *chemicals and related products*, between St. Louis, Mo, and Joliet, IL, on the one hand, and, on the other, points in ND and SD.

MC 135843 (Sub-10), filed February 2, 1981. Applicant: IOWA GATEWAY, INC., d.b.a. IOWA GATEWAY TERMINAL, River Rd., Keokuk, IA 52632. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309 (515) 245-4300. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Railcar Maintenance Company, of San Francisco, CA, a subsidiary of Professional Lease Management, Inc.

MC 136393 (Sub-7), filed February 6, 1981. Applicant: NY, NJ, CONN, FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10123. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212-239-4610. Transporting *such commodities* as are dealt in by retail department stores, between San Francisco and Los Angeles, CA, on the one hand, and on the other, New York, NY, Baltimore, MD, Chicago, IL, and Philadelphia, PA.

MC 138432 (Sub-23), filed January 30, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602 (312) 726-6525. Transporting *rubber and plastic products*, between points in the U.S., on the one hand, and on the other, the facilities of Mobil Company, at points in the U.S.

MC 144622 (Sub-203), filed January 30, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282-8344. Transporting *petroleum, natural gas and their products, and lumber and wood products*, between points in Lunenburg County, VA, and Dent County, MO, on the one hand, and on the other, points in the U.S. Condition: To the extent the certificate to be issued in this proceeding authorizes natural gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 148183 (Sub-36), filed February 2, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004 (202) 737-2188. Transporting *food and related products*, between points in Macon County, GA, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, KS, CO, OK, and TX.

MC 148183 (Sub-37), filed February 2, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425-13th Street NW., Washington, DC 20004. Transporting *food and related products*, between points in Jefferson and Orleans Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 148653 (Sub-2), filed January 29, 1981. Applicant: MILTON WOODWARD, d.b.a. WOODWARD TRUCKING COMPANY, P.O. Box 308, Ripley, TN 38063. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601 (502) 227-7384. Transporting *chemicals and related products*, between points in Mississippi County, AR, and Colbert County, AL, on the one hand, and, on the other, points in TN.

MC 153933 (Sub-1), filed February 5, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M-A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleystown, VA 24168. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with B. Altman & Co., and Bloomingdale's of New York, New York, NY.

MC 154143, filed February 6, 1981. Applicant: KAPLAN TRANSPORTATION COMPANY, INC., P.O. Box 427, Bartow, FL 33803. Representative: Michael F. Morrone, 1150-17th St. NW., Washington, DC 20036, 202-457-1124. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Kaplan Industries, Inc., of Bartow, FL.

MC 154172, filed February 6, 1981. Applicant: JIM MALEK, d.b.a. JIM MALEK TRUCKING, 611 Shumway, Faribault, MN 55021. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612-457-8889. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Mercury Minnesota, Inc., of Faribault, MN. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-7854 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP3-196]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by

Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient 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.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.
 Agatha L. Mergenovich,
 Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 154285, filed February 6, 1981. Applicant: JOHN S. KAPLAN, P.O. Box 427, Highway 17 South, Bartow, FL 33830. Representative: Michael F. Morrone, 1150 17th St. NW., Washington, D.C. 20036. As a broker, to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-7852 Filed 3-12-81; 8:43 am]
 BILLING CODE 7035-01-M

[Volume No. OP3-195]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: March 5, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.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.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.
 Agatha L. Mergenovich,
 Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 29555 (Sub-198), filed February 6, 1981. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, N-400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving the facilities of General Motors Corporation, at or near Wentzville, MO, as an off-route point in connection with applicant's presently authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 35334 (Sub-92), filed February 6, 1981. Applicant: COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, and points in TX and OK.

MC 46614 (Sub-12), filed February 6, 1981. Applicant: BLUE & WHITE LINES OF FLORIDA, INC. P.O. Box 30021, Orlando, FL 32862. Representative: Robert J. Brooks, 1828 L. Street, NW, Suite 1111, Washington, D.C. 20036. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at

points in FL, and extending to points in the U.S.

MC 56155 (Sub-6), filed February 6, 1981. Applicant: JOHN S. EWELL, INC., East Earl, PA 16719. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with Penn Dairies, Inc., of Lancaster, PA, and Land O'Lakes, Inc., of Minneapolis, MN, (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Chicago, IL, (3) *bottled water*, between points in the U.S., under continuing contract(s) with Wissahickon Springs Water, Inc., of Philadelphia, PA, and (4) *milk and milk products*, between points in the U.S., under continuing contract(s) with Holly Milk Corporation, of South Hampton, PA.

MC 111045 (Sub-190), filed February 6, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *commodities in bulk*, between points in AL, AR, FL, GA, LA, OK, MS, NC, SC, TN, and TX, and points in the U.S. Condition: Issuance of certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC 111045 and related subs, at applicant's written request.

MC 112304 (Sub-250), filed January 29, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., A Corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Joh G. Banner (same address as applicant). Transporting *agricultural limestone and fertilizer*, and *soil conditioners*, between points in Bourbon and Fayette Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 134064 (Sub-50), 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 Street, Denver, CO 80203. Transporting *food and related products*, between points in Washington County, MS, Sussex County, DE, and Saginaw, Lapeer, Macomb, and St. Clair Counties, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 134105 (Sub-96), filed February 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same

address as applicant). Transporting *malt beverages*, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA and MS.

MC 140294 (Sub-24), filed February 6, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1948, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *general commodities* (except classes A and B explosives), between points in Washington County, MD, and Warren County, VA, on the one hand, and, on the other, points in Rockingham County, VA.

MC 140615 (Sub-62), filed February 6, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *pulp, paper and related products, printed matter, and rubber and plastic products*, between points in WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC 140615 Sub 52, at applicant's written request.

MC 149105 (Sub-4), filed February 6, 1981. Applicant: BAYOU STATE TRUCKING, INC., 639 South Rendon St., New Orleans, LA 70119. Representative: Brain S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *rubber and plastic articles and chemicals and related products* between the facilities of Dow Chemical USA, in East Feliciana, West Feliciana, Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston and Pointe Coupee Counties, LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151614 (Sub-1), filed February 6, 1981. Applicant: GOTTAGO, INC., 21522 Greengate Drive, Spring, TX 77379. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *Mercer commodities*, between points in AL, AZ, CA, CO, FL, KS, LA, MS, MT, ND, NM, OK, and TX.

MC 152384 (Sub-1), filed February 3, 1981. Applicant: DONNIE A. WANGER, d.b.a. DONNIE A. WANGER GEN. HAULING, Route 1, Box 48, Hinton, VA 22831. Representative: Frankie C. Coyner, P.O. Box 33, Stuarts Draft, VA 24477. Transporting *crushed limestone aggregates and masonry sand*, between points in Rockingham County, VA, on the one hand, and, on the other, points in Grant, Mineral, Pendleton, Pocahontas and Randolph Counties, WV.

MC 152414 (Sub-1), filed January 23, 1981. Applicant: PAUL M. MUNSEN, 2922 46th Avenue North, St. Petersburg, FL 33714. Representative: (Same as above.) Transporting *passengers and their baggage*, in special and charter operations beginning and ending at points in Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Pasco, Hernando, Citrus, Polk, Orange, Oseceola, and Lake Counties, FL, and extending to points in the U.S.

MC 152705 (Sub-1), filed February 6, 1981. Applicant: ERNEST E. LATSHA, P.O. Box 2851, Harrisburg, PA 17105. Representative: James W. Hagar, P.O. Box 1166, Harrisburg, PA 17108. Transporting *scrap metals, mills scale, and scrap batteries*, (1) between points in PA, on the one hand, and, on the other, points in CT, DE, KY, MD, MA, NJ, NY, NC, OH, SC, VA, WV, and DC, and (2) between points in Claymont County, DE, on the one hand, and, on the other, points in MD, DE, NJ, NY, PA, VA, and WV.

MC 154164, filed February 6, 1981. Applicant: WOMEN'S TRAVELINE, INC., Wales Rd., Andover, CT 06232. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Providence, RI, points in Hampden County, MA, and those in CT, and extending to points in the U.S.

MC 154195, filed February 6, 1981. Applicant: L. B. CONTAINERS, INC., 13101 Eckles Road, Plymouth, MI 48170. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48064. Transporting *paper and paper products*, between the facilities of St. Regis Paper Company at or near Canton and Cleveland, OH, on the one hand, and, on the other, points in MI and OH.

MC 154255, filed February 6, 1981. Applicant: ROCK TRANSFER & STORAGE, INC., 15760 Brentwood Drive, Brookfield, WI 53005. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *iron and steel articles and foundry materials* between Milwaukee, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, and OH.

MC 154284, filed February 4, 1981. Applicant: CONVENTION AND TOUR SERVICES OF MEMPHIS, INC., 5645 Murray Avenue, Memphis, TN 38119. Representative: Milton Manis, 4087 Summer Avenue No. 206, Memphis, TN 38122. As a *Broker*, at Memphis, Shelby County, TN in arranging for the transportation of *passengers and their*

baggage, beginning and ending at Memphis, Shelby County, TN, and extending to points in the U.S.

MC 154314, filed February 3, 1981. Applicant: R.S.J. EXPRESS, INC., 127-36 Northern Boulevard, Flushing, NY 11368. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield, NJ 07006. Transporting *machinery*, between Milwaukee, WI, and points in NY, NJ, and CT, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-7948 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register 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 40 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 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. OP2-035

Decided: March 2, 1981.

By the Commission, Review Board No. 1, members Chandler, Parker and Taylor (member Taylor not participating).

MC 154003, filed February 3, 1981. Applicant: EUGENE BRICILLO, d.b.a. B & B TRUCKING, 653 School Street, Indiana, PA 15701. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036, (202) 785-0035. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizer, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154282, filed February 6, 1981. Applicant: INLAND IMPORT, INC., 5 World Trade Center, Suite 9281, New York, NY, 10048. Representative: O'Connon & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, DC 20006. As a broker of general

commodities (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-7853 Filed 3-12-81; 8:46 am]

BILLING CODE 7035-01-M

[Volume No. OP1-066]

Motor Carrier(s); Permanent Authority Decisions

Decided: March 5, 1981.

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 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.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 381 (Sub-22), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting shipments weighting 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 381 (Sub-23), filed February 9, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. 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 153790 (Sub-1), filed February 18, 1981. Applicant: TERMINAL TRANSPORTATION SERVICES DIVISION, THE TERMINAL CORP., 211 E. Pleasant Street, Baltimore, MD 21202. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840-8565. As a broker of

general commodities (except household goods), between points in the U.S.

MC 154230, filed February 10, 1981.
Applicant: ALLEN B. FRANKLIN, 317 Vaughn St., Aurora, CO 80011.
Representative: Edward C. Hastings, 653 Grant Street, Denver, CO 80203.

Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154370, filed February 23, 1981.
Applicant: C. J. BROKERAGE, INC., Hanover Plaza, Morristown, NJ 07960.
Representative: William J. Hanlon (same address as applicant) (201) 267-9100. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154371, filed February 23, 1981.
Applicant: EASTERN LEASING, INC., P.O. Box 1, Keasby, NJ 08832.
Representative: Bernard S. Curran, North Gate Rd., Mendham, NJ 07945 (201) 543-2783. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154430, filed February 23, 1981.
Applicant: COAST TO COAST TRANSPORT, INC., 7411 So. Atlanta, P.O. Box 35507, Tulsa, OK 74135.
Representative: Paul Capps (same address as applicant). Transporting *general commodities*, between Bridgetown, Cheviot, Coverdale, Dent, Miami, and Willeys, OH, and Alum Rock, Blairs, Dudley, Jefferson, Ritt, St. Petersburg, Turkey, and Worthington, PA, on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

[FR Doc. 81-7849 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and

to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 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. OP1-061

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 146050 (Sub-4), filed February 5, 1981. Applicant: ALPHA & OMEGA TRANSPORT, INC., P.O. Box 31004, Charlotte, NC 28231. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. (1) 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., and (2) as a *broker*, of *general commodities* (except household goods), between points in the U.S.

MC 154181, filed January 30, 1981.
Applicant: AMERICAN FREIGHT COMPANY, P.O. Box 924, Douglasville, GA 30133. Representative: David L. Capps (same address as applicant). As a *broker*, of *general commodities* (except household goods), between points in the U.S.

Agatha L. Margenovich,
Secretary.

[FR Doc. 81-7855 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions

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 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-3-008

Decided: March 5, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 26825 (Sub-56), filed February 9, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *general commodities*, between the facilities used by (1) R. G. Hobelmann & Company, Inc., (2) Wilson-America Company, (3) Barnhard & Associates, and (4) George Engers Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 67234 (Sub-40), filed February 9, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting (1) *data processing machines and systems*, and (2) *business and office machines*, between points in the U.S. under continuing contract(s) with International Business Machines Corporation, of Armonk, NY.

MC 93944 (Sub-10), filed February 9, 1981. Applicant: DANELLA BROS. INC., 2280 Butler Pike, Plymouth Meeting, PA 19462. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *commodities in bulk, metals, ores, minerals, refractories, and sleg*, between points in DE, MD, NJ, NY, NJ, OH and PA and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

Note.—Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request of MC-93944 and subs thereunder.

MC 99614 (Sub-4), filed February 9, 1981. Applicant: MIKE CONROTTO TRUCKING, a corporation, 6490 Chestnut St., Gilroy, CA 95020. Representative: Roy G. Graham (same address as applicant), (408) 847-2211. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC-99614 and related subs, at applicant's written request.

MC 106914 (Sub-23), filed February 9, 1981. Applicant: AMERICAN CARTAGE CO., 1575 Fairfield Avenue, Cleveland, OH 44113. Representative: Bernard S. Goldfarb, Eighteen Hundred, 55 Public Square, Cleveland, OH 44113, (216) 781-0383. Transporting *metal products*, between points in Cuyahoga and Lake Counties, OH, on the one hand, and, on the other, points in PA, IN, IL, MI, NY and KY.

MC 113855 (Sub-524), filed February 9, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235-4487. Transporting *general commodities* (except classes A

and B explosives), between points in the U.S.

MC 113855 (Sub-525), filed February 9, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58126, (701) 235-4487. Transporting *irrigation machinery and systems*, between points in Douglas County, GA, on the one hand, and, on the other, points in the U.S.

MC 116004 (Sub-63), filed February 9, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438-2611. Over regular routes, transporting *general commodities* (except classes A and B explosives), Between El Reno, OK and Denver, CO: From El Reno over Interstate Hwy 40 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Denver, CO, and return over the same route, serving the off-route points of Hereford, TX and Pueblo and Colorado Springs, CO.

MC 116004 (Sub-64), filed February 9, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75147. Representative: Doris Hughes (same address as applicant), (214) 438-2611. Over regular routes, transporting *general commodities*, (except classes A and B explosives), (1) Between Kansas City, MO and Des Moines, IA, over Interstate Highway 35, serving points in Polk, Jasper, Marshall, Boone and Dallas Counties, IA as off-route points; (2) Between Kansas City, MO and Omaha, NE, over Interstate Highway 29, serving points in Lancaster, Saunders, and Douglas Counties, NE as off-route points.

MC 116915 (Sub-137), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227-2254. Transporting *metal products and machinery*, between points in Cambell County, KY, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-136), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227-2254. Transporting *transportation equipment*, between points in the U.S.

MC 116915 (Sub-140), filed February 9, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Rt. No. 1, Box 248, Rockport, IN 47635.

Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602 (502) 227-2254. Transporting *metal products*, between points in Jefferson County, AL, Hamilton County, TN, Burlington County, NJ, and Alameda County, CA, on the one hand, and, on the other, points in the U.S.

MC 117565 (Sub-103), filed February 9, 1981. Applicant: MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same address as applicant) (614) 622-2967. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 117565 (Sub-104), filed February 9, 1981. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same address as applicant) (614) 622-2967. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Notes.—Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request of MC 135701 (Sub-1).

MC 119774 (Sub-112), filed February 9, 1981. Applicant: EAGLE TRUCKING COMPANY, A CORPORATION, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd. Fort Worth, TX 76116 (817) 731-8431. Transporting *building materials*, between the facilities of Bird & Son, Inc., its distributors, dealers and suppliers, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125335 (Sub-113), filed February 9, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501 (402)-475-1758. Transporting *food and related products*, between points in the U.S.

MC 134035 (Sub-47), filed February 9, 1981. Applicant: DOUGLAS TRUCKING COMPANY, a Corporation, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Williams, P.O. Box 698, Corsicana, TX 75110 (214) 872-3017. Transporting *truck beds, truck bodies, truck and trailer parts, and tool boxes*, between points in Delaware County, IN, Harrison County, IA, Erie County, NY, Crawford County, OH, Harris and Tarrant Counties, TX, on the one hand, and, on the other, points in AZ, AK, CA, HI, ID, NV, OR, and WA.

MC 138904 (Sub-3), filed February 9, 1981. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., 2622 McCormick Ave., Pueblo, CO 81001. Representative: Frank W. Taylor,

Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221-1464. Transporting *general commodities* (except classes A and B explosives), between points in Scott County, KS, on the one hand, and, on the other, points in Barton, Wichita, Atchison, Leavenworth, and Finney Counties, KS, and St. Joseph and Kansas City, Mo.

Note.—Applicant intends to tack and interline this authority with its existing authority.

MC 139334 (Sub-3), filed February 9, 1981. Applicant: R. J. GLASS, INC., P.O. Box 337, Newry, PA 16665. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101 (717) 236-9318. Transporting *sand*, between points in Huntingdon County, PA, on the one hand, and, on the other, points in Hardin County, KY.

MC 140665 (Sub-134), filed February 9, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)-296-2877. Transporting *pulp, paper and related products*, between points in Portage and Wood Counties, WI, on the one hand, and, on the other, points in AZ, CA, OR and WA.

MC 140665 (Sub-135), filed February 9, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266 (216)-296-2877. Transporting *transportation equipment, electrical equipment and machinery*, between points in the U.S.

MC 142864 (Sub-29), filed February 9, 1981. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: J. W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobiles, between points in Summit, Stark, and Tuscarawas Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 143594 (Sub-30), filed February 9, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Rd., Roswell, GA 30075. Representative: Diane R. Langer, 2661 S. Broadway, Green Bay, WI 54304, (414) 497-5355. Transporting *commodities in bulk*, between points in the U.S.

MC 145044 (Sub-7), filed February 9, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives),

between the facilities used by Springmeier Shipping Co., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145044 (Sub-8), filed February 9, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *filling supplies*, between the facilities of Esselte Pendaflex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148095 (Sub-1), filed February 9, 1981. Applicant: TROJAN FREIGHT LINES LIMITED, 5280 Maingate Drive, P.O. Box 3030, Station A, Mississauga, Canada L5A 3S3. Representative: Walter N. Bieneman, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. In foreign commerce only, transporting (1) *metal products*, (2) *machinery*, (3) *rubber and plastic products*, and (4) *clay, concrete, glass or stone products*, between ports of entry on the international boundary line between the United States and Canada on the Niagara, Detroit, and St. Clair Rivers, on the one hand, and, on the other, points in NY, PA, OH, MD, NJ, MI, WV, VA, NC, SC, and KY.

MC 150215 (Sub-2), filed February 9, 1981. Applicant: LARRY H. BURLERSON, d.b.a. Burler Distributors, 2020 N. 9th St., St. Louis, MO 63102. Representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314)-727-0777. Transporting *rubber and plastic products and food and related products* between points in the U.S., under a continuing contract(s) with (1) I.T.L. Industries of Newark, OH, (2) L. B. Darling Co., of Southboro, MA, (3) Hanfelder Horseradish Company of Granite City, IL, (4) Tasty Bread Products, Inc., of Old Bethpage, L.I. NY, (5) Woeber Mustard Manufacturing Company, of Springfield, OH, and (6) Prarie Farms Dairy, Inc., of St. Louis, MO.

MC 150485 (Sub-1), filed February 9, 1981. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235-4730. Transporting *mobile homes and portable buildings*, between points in the U.S., under continuing contract(s) with (1) Lancer Homes, Inc., of Marysville, CA, (2) Brookbank, Inc., of Centralia, WA, (3) Dons Mobile Homes, Inc., of Tacoma, WA, (4) Karr Brothers Homes, Inc., of Everett, WA, (5) Victorian Village, Inc., of Hadlock, WA, (6) Westlin Homes,

Inc., of Tacoma, WA, (7) Roman Mobile Homes, of Spanaway, WA, and (8) Happy Homes, Inc., of Tacoma, WA.

MC 153645 (Sub-1), filed February 9, 1981. Applicant: ENVIRONMENTAL TRANSFER CORPORATION, 520 SPEEDWELL AVE., Morris Plains, NJ 07950. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *waste or scrap materials* not identified by industry producing, and *hazardous materials*, between points in the U.S., under continuing contract(s) with Advanced Environmental Technology Corporation, of Morris Plains, NJ.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from the date of issuance.

MC 154124 filed February 9, 1981. Applicant: FARIMONT-MARION COUNTY TRANSIT AUTHORITY, 313 Jefferson St., Fairmont, WV 26554. Representative: Woodrow Conrad (same address as applicant) (303) 366-8553. Transporting *passengers and their baggage*, in round trip, special and charter operations, beginning and ending at points in Marion County, WV, and extending to points in PA, OH, MD, KY, VA, and DC.

MC 154135, filed February 9, 1981. Applicant: ELLISON TRANSPORTATION CO., P.O. Box 636, Roseburg, OR 97470. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *passengers and their baggage*, in charter and special operations, between points in Douglas County, OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 154235, filed February 9, 1981. Applicant: DENNIS ZALUD, BRUCE ZALUD & LADDIE P. ZALUD, d.b.a. ZALUD MOTOR EXPRESS, 528 North Stone Street, La Grange Park, IL 60525. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603, (312) 236-0548. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with AAA Compounding & Trading, Inc., Addison, IL, Absolute Industrial Fabricators, of Addison, IL, Acme Sawdust Service, of Calumet City, IL, Alpha Omega Plastics Company, and M.G.B. Engineering Company, both of Elk Grove Village, IL, Arco Durethene Plastics, Charles Schwartz & Co, and Chicago Mailing Tube Co., all of Chicago, IL, Fleetwood Systems, Inc., of Countryside, IL, Frank C. Mitchell Company, of Lockport, IL, Gooding Rubber Co., of Countryside, IL, Jonas

Enterprises, Inc., and H. Kohnstamm & Co., Inc., and M & D Flexographic Printers, Inc., all of Chicago, IL, Pine Tree Container, Inc., and Container Labeling, Inc., and Robertshaw Controls Company, all of Countryside, IL, sealed Air Corporation, of Chicago, IL, Union Chemicals Division, Petrochemical Group and Union Oil Company of California, both of Lemont, IL, and Weldbend Corp., of Bedford Park, IL.

MC 154295, filed February 9, 1981. Applicant: S.O.S. TRUCKING, INC., 2202 W. McDowell Rd. Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. Transporting (1) *furniture and fixtures*, between points in AZ, CA, and OR, on the one hand, and, on the other, points in the U.S., (2) *milling machines*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S., and (3) *food and related products*, between points in AZ, on the one hand, and, on the other, points in the U.S.

FF 245 (Sub-6), filed February 9, 1981. Applicant: SHIP-RITE TRANSPORTERS, INC., 210 Verdi St., Farmingdale, NY 11735. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. To operate as a *freight forwarder*, transporting *automobiles, household goods, and baggage*, between points in the U.S. Condition: Issuance of a permit is subject to prior or coincidental cancellation, at applicant's written request, of Permit No. FF 245. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-7926 Filed 3-13-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Person's wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon

request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human 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 as to the finance application or to the following operating rights applications directly related thereto 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 where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP3-199

Decided March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153915, filed January 30, 1981. Applicant: FLORIDA EXPRESS

CARREIR, INC.—INITIAL COMMON CARRIER, One Malaga St., St. Augustine, FL 32084. Representative: Eugene T. Lipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036.

Transporting *general commodities* (except classes A and B explosives), (a) between points in NC, SC, GA, AL, and FL, restricted to traffic having prior or subsequent movement by railroad, and (b) between points in FL.

Note.—This application is directly related to MC-F-14568, published in this same Federal Register issue.

MC 120975 (Sub-2), filed February 11, 1981. Applicant: **FLORIDA EAST COAST HIGHWAY DISPATCH CO.**, a Corporation, One Malaga St., St. Augustine, FL 32084, (202) 452-7422. Representative: Eugene T. Lipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Jacksonville, and Florida City, FL, from Jacksonville, over U.S. Hwy 1 to Jupiter, FL, then over FL Hwy A1A to Lake Park, FL, then over U.S. Hwy 1 to Florida City, and return over the same route, (2) between St. Augustine and Bunnell, FL, from St. Augustine over FL Hwy 207 to East Palatka, FL, then over U.S. Hwy 17 to San Mateo, FL, then over FL Hwy 100 (formerly FL Hwy 20) to Bunnell, and return over the same route, (3) between Mims and Benson Junction, FL, from Mims over FL Hwy 46 to Canaan, FL, then over FL Hwy 415 to Osteen, FL, then over FL Hwy 410 to Benson Junction, and return over the same route, (4) between Osteen and Oak Hill, FL, over unnumbered Hwy, (5) between Stuart and Lake Harbor, FL, from Stuart over FL Hwy 76 to Port Mayaca, FL, then over U.S. Hwy 441 to Belle Glade, FL, then over FL Hwy 80 to Lake Harbor, and return over the same route, (6) between junction U.S. Hwy 1 and FL Hwy 826 near Biscayne Gardens, FL, and junction U.S. Hwy 1 and FL Hwy 826 near Kendall, FL, over FL Hwy 826, and in (1) through (6) above, serving Dorena, Fullerton, Aurantia, Wiley, Carlton, and Marcy, FL, as off-route points.

Note.—Applicant states that it presently holds a certificate of registration No. MC-120975 (Sub-No. 1), and that the purpose of this application is to convert its certificate of registration to a certificate of public convenience and necessity. Applicant further states that the proposed authority would reward and expand its existing authority only to the minimum extent required under Ex Parte No. 55 (Sub-No. 43A). In addition, applicant states that it is a wholly-owned subsidiary of the Florida East Coast Railway Co. (Florida), and that a simultaneous application is being filed by Florida for authority to continue in control of the present

applicant. Said control application has been docketed as MC-F-14578, published in this same Federal Register issue.

Agatha L. Mergonovich,
Secretary.

[FR Doc. 81-7927 Filed 3-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of these 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 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 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. Op2-037

Decided: March 5, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 8973 (Sub-79), filed January 9, 1981. (CORRECTION), previously published in the Federal Register issue of February 11, 1981, and republished this issue. Applicant: **METROPOLITAN TRUCKING, INC.**, 75 Broad Ave., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals and plastic articles, between points in the U.S.

Note.—This republication is to correct the commodity description.

MC 107012 (Sub-663), filed February 3, 1981. Applicant: **NORTH AMERICAN VAN LINES, INC.**, 5001 U.S. Hwy 30 West, P.O. Box 985, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *furniture and fixtures*, between Galax, VA, on the one hand, and, on the other, Burlington, IA.

MC 107012 (Sub-664), filed February 2, 1981. Applicant: **NORTH AMERICAN VAN LINES, INC.**, 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *machinery*, between Sioux Falls, SD and Minneapolis, MN, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, KS, KY, LA, MN, MS, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, TX, UT, VA, WA, and WY. Board Member Taylor dissents.

MC 107912 (Sub-36), filed February 3, 1981. Applicant: **REBEL MOTOR FREIGHT, INC.**, 3934 Homewood Rd.,

Memphis TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767-5600. Transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and Jackson, MS: from Memphis over U.S. Hwy 51 to Batesville, MS, then over MS Hwy 6 to Clarksdale, MS, then over U.S. Hwy 49 to Tutwiler, MS, then over U.S. Hwy 49E to Yazoo City, MS, then over U.S. Hwy 49 to Jackson, and return over the same route, (2) between Memphis, TN and Batesville, MS: from Memphis over Interstate Hwy 55 to junction U.S. Hwy 6, then over MS Hwy 6 to Batesville, and return over the same route, serving in connection with routes (1) and (2) above Marvell, Lakeview, and Elaine, AR as off-route points, (3) between Grenada and Yazoo City, MS: from Grenada over MS Hwy 7 to Greenwood, MS, then over U.S. Hwy 82 to Indianola, MS, then over U.S. Hwy 49W to Yazoo City, and return over the same route, (4) between Marks and Greenville, MS: from Marks over MS Hwy 3 to Tutwiler, MS, then over U.S. Hwy 49W to Indianola, MS, then over U.S. Hwy 82 to Greenville, and return over the same route, (5) between Ruleville and Rosedale, MS, over MS Hwy 8, (6) between Jackson, MS and Mobile, AL: from Jackson over U.S. Hwy 49 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Mobile, and return over the same route, (7) between Hattiesburg and Landon, MS, over U.S. Hwy 49, (8) between Hattiesburg, MS and Slidell, LA: (a) over Interstate Hwy 59, and (b) over U.S. Hwy 11, (9) between Lafayette, LA and Mobile, AL: from Lafayette over Interstate Hwy 10 to Baton Rouge, LA, then over Interstate Hwy 12 to Slidell, LA, then over Interstate Hwy 10 to Mobile, AL, and return over the same route, serving McIntosh, AL and points in Acadia, Lafayette, St. Martin, and Iberia Parishes, LA as off-route points, (10) between junction Interstate Hwy 10 and LA Hwy 607 and Mobile, AL: from junction Interstate Hwy 10 and LA Hwy 607 over LA Hwy 607 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Mobile, and return over the same route, and (11) serving all intermediate points in routes (1) through (10) above.

Note.—Applicant intends to tack with its otherwise authorized operations.

MC 107912 (Sub-37), filed February 2, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *chemicals and related products*, between points in Iberville and East Baton Rouge Parishes, LA, and

Phillips County, AR, on the one hand, and, on the other, points in AL, TX, MO, MS, TN, GA, KY, and OH.

MC 111302 (Sub-175), filed February 4, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant) (800) 251-9814. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with (a) Union Carbide Corporation, of New York, NY, (b) J. B. Huber Company, of Edison, NJ, (c) Rohm and Haas Company, of Philadelphia, PA, (d) E. F. Houghton Company, of Valley Forge, PA, and (e) Nalco Chemical Company, of Oak Brook, IL.

MC 111302 (Sub-176), filed February 4, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant) (615) 584-8631. Transporting *commodities in bulk*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 115162 (Sub-553), filed February 6, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant) (205) 578-2836. Transporting *rubber and plastic products* between the facilities used by Michelin Tire Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115162 (Sub-554), filed February 3, 1981. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant) (205) 578-2836. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., on the one hand, and, on the other, the facilities used by the Mobil Oil Corporation, at points in the U.S.

MC 120262 (Sub-2), filed February 3, 1981. Applicant: COYLE TRANS., INC., 180 West 1st St., So. Boston, MA 02127. Representative: Edward J. Carey (same address as applicant) 617-268-8986. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT.

Note.—Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration MC 120262 (Sub-1), issued August 23, 1980.

MC 126822 (Sub-114), filed February 2, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 189 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant) (913) 782-6080.

Transporting *ores and minerals*, between points in AZ, on the one hand, and, on the other, points in the U.S. Board Member Taylor dissents.

MC 138432 (Sub-25), filed February 4, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-8525. Transporting *charcoal briquettes*, between points in the U.S. (Board Member Taylor dissents).

MC 138882 (Sub-380), filed February 2, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant) (205) 566-5184. Transporting *general commodities* (except classes A and B explosives), between Emporia, VA, and points in Warren County, KY, Davidson County, TN, Wayne County, MI, Bexar County, TX, and Greene County, AL, on the one hand, and, on the other, points in the U.S.

MC 139852 (Sub-4), filed February 2, 1981. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, P.O. Box 11414, Columbia, SC 29211. Transporting (1) *chemicals and related products*, between points in Spartanburg, Cherokee, York, and Chester Counties, SC, and points in GA and NC, and (2) *lumber and wood products*, between points in York County, SC, and points in GA and NC.

MC 141232 (Sub-12), filed February 2, 1981. Applicant: STATEWIDE TRUCKING CO., 1801 West Oxford Ave., Englewood, CO 80110. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *building materials*, between points in CO, on the one hand, and, on the other, points in NM.

MC 145642 (Sub-3), filed February 3, 1981. Applicant: GENE INMAN TRUCKING, INC., RFD 1, Box 148-A Whiteville, NC 28472. Representative: F. Kent Burns, P.O. Box 2478, Raleigh, NC 27602, (919) 828-2421. Transporting *lumber and wood products*, between points in NC, SC, and VA.

MC 147083 (Sub-5), filed February 2, 1981. Applicant: TANKS, INC., P.O. Drawer 1179, Gillette, WY 82716. Representative: Leon L. Brady (same address as applicant) (307) 682-9629. Transporting *mercer commodities* between points in WY, on the one hand, and, on the other, those points in NE on and west of U.S. Hwy 83.

MC 147243 (Sub-3), filed February 3, 1981. Applicant: SEYMOUR &

SOUTHERN, INC., Route 2, Box 267, Seymour, WI 54185. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) InoFood Corp., of Merrill, WI, (b) Anco International Corp., of La Jolla, CA, and (c) Cheese 'N' More, Inc., of Merrill, WI.

MC 148893 (Sub-5), filed January 27, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043, (716) 681-7190. Transporting *transportation equipment*, between the facilities of Markel-Nutone Div.-Scovill, at Buffalo, NY, on the one hand, and, on the other, points in CT, IL, IN, IA, ME, MA, MI, MN, NE, NH, NJ, OH, PA, RI, VT, and WI. Board Member Taylor dissents.

MC 148972 (Sub-2), filed February 2, 1981. Applicant: EDWARD J. WHALEN, d.b.a. WHALEN TRUCK SERVICE, R.R. 2, Auxvasse, MO 65231. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101, (314) 241-9333. Transporting *coal and coal products*, between points in IA, IL, and MO.

MC 150512 (Sub-2F), filed October 31, 1980 (correction), previously published in the *Federal Register* issues of December 10, 1980, and February 11, 1981, and republished this issue. Applicant: B & M TRANSIT INC., Route 603, Plymouth, OH 44865. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in Suffolk County, MA, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

Note.—This republication is to reflect the correct territory description.

MC 152313 (Sub-1), filed February 6, 1981. Applicant: DON'S TRUCKING, INC., P.O. Box 34422, Richmond, VA 23234. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, D.C. 20036, (202) 457-1124. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volkswagen

of America, Inc., of Warren, MI. Board Member Taylor dissents.

MC 152693 (Sub-1), filed February 2, 1981. Applicant: HAROLD S. WILSON TRUCKING, INC., Route 1, Box 222, Homedale, ID 83628. Representative: Louis L. Uranga, P.O. Box 784, Boise, ID 83701, (208) 342-8931. Transporting *chemicals and related products*, between points in Benton, Walla Walla, and Franklin Counties, WA, on the one hand, and, on the other, points in ID. Board Member Taylor dissents.

MC 154103, filed February 4, 1981. Applicant: MID SOUTH FRIEGHT, INC., 10 Interstate Dr., Nashville, TN 37213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40402. Transporting *general commodities*, (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Acme Mills, Inc., of Detroit, MI, (b) Chemrock Corporation, of Nashville, TN, (c) Clements Paper Company, Division of Mead Corp., of Nashville, TN, (d) Davidson Manufacturing Co., of Nashville, TN, (e) Fortune Plastics of Tennessee, of Lebanon, TN, (f) Globe Cosco Business Furniture, Inc., of Hendersonville, TN, (g) Hartmann Luggage, of Lebanon, TN, (h) Knight Metalcraft, Division of Whittaker Corporation, of Portland, TN, (i) Monarch Metals, of Toledo, OH, (j) Paramount Packaging, of Murfreesboro, TN, (k) Werthan Industries, Inc., of Nashville, TN, (l) Westex, Inc., of Chicago, IL, and (m) American Trading Group, Inc., of Boston, MA.

MC 154303, filed February 5, 1981. Applicant: BOBBY JOE TRUCKING, INC., P.O. Box 139, Eagle Point, OR 97524. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) *building materials*, (2) *lumber and wood products* (except those in (1) above), and (3) *metal products*, between points in OR, WA, CA, ID, UT, CO, AZ, NM, TX, WY, and NV.

Volume No. OP1-067

Decided: March 6, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 126930 (Sub-58), filed January 26, 1981, and previously noticed in *Federal Register* issue of February 18, 1981. Applicant: BRAZOS TRANSPORT CO., a corporation, 1611 Ave. M, P.O. Box 2746, Lubbock, TX 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. In foreign commerce only, transporting *buildings*, between points in Tarrant County, TX, on the one hand, and, on the other, points in TX.

Note.—This republication clarifies the commodity description.

MC 153790, filed January 26, 1981, and previously noticed in *Federal Register* issue of February 18, 1981. Applicant: TERMINAL TRANSPORTATION SERVICES DIV., THE TERMINAL CORP., 211 E. Pleasant St., Baltimore, MD 21202. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, and points in Wicomico County, MD, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NJ, NY, OH, PA, VA, WV, and DC.

Note.—This republication includes PA in the radial territory.

Volume No. OP1-068

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 120981 (Sub-34), filed January 27, 1981, and previously noticed in *Federal Register* issue of February 18, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Dr., Nashville, TN 37210. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. Transporting *general commodities* (except classes A and B explosives), between the facilities of Exxon Company, U.S.A. at points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MS, NC, OH, PA, SC, TN, TX, and WV.

Note.—This republication clarifies the commodity description.

MC 121790 (Sub-2), filed January 30, 1981. Applicant: KEEP ON TRUCKING COMPANY, INC., 607 West B St., Wilmington, CA 90744. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. Over regular routes, transporting *metal products and machinery*, (1) between junction Interstate Hwy 5 and CA Hwy 4, near Stockton, CA, and junction Interstate Hwy 5 and the international boundary line between the U.S. and Mexico, over Interstate Hwy 5, (2) between San Francisco and Los Angeles, CA, over U.S. Hwy 101, (3) between junction CA Hwys 4 and 99, near Stockton, CA, and Wheeler Ridge, CA, over CA Hwy 99, (4) between Oakland, CA, and junction Interstate Hwys 580 and 5, and Vernalis, CA, over Interstate Hwy 580, (5) between Modesto, CA, and junction Interstate Hwy 580 and CA Hwy 132, over CA Hwy 132, (6) between San Francisco, and Capistrano Beach, CA, over CA Hwy 1, (7) between San

Francisco and Crockett, CA, over Interstate Hwy 80, (8) between junction Interstate Hwy 680 and CA Hwy 4, and San Jose, CA, over Interstate Hwy 680, (9) between junction CA Hwy 4 and Interstate Hwy 80, near Pinole, CA, and junction CA Hwys 4 and 99, near Stockton, CA, over CA Hwy 4, (10) between Richmond and Santa Cruz, CA, over CA Hwy 17, (11) between Oceanside and Escondido, CA, over CA Hwy 78, (12) between Santa Monica and Redlands, CA, over Interstate Hwy 10, (13) between junction CA Hwy 126 and Interstate Hwy 5, near Saugus, CA, and Ventura, CA, over CA Hwy 126, (14) between Santa Maria, CA, and junction CA Hwys 166 and 99, near Wheeler Ridge, CA, over CA Hwy 166, (15) between Watsonville, CA, and junction CA Hwys 152 and 99, over CA Hwy 152, (16) between Visalia and San Lucas, CA, over CA Hwy 198, (17) between Famoso, CA, and junction CA Hwys 46 and 1, near Cambria, CA, over CA Hwy 46, (18) between Delano and Woody, CA, over CA Hwy 155, (19) between the Kern-Tulare County Line, CA, and junction CA Hwys 65 and 99, near Bakersfield, CA, over CA Hwy 65, (20) between Bakersfield and Democrat Springs, CA, over CA Hwy 178, (21) between junction CA Hwys 58 and 99, near Bakersfield, CA, and junction CA Hwys 58 and 223, near Caliente, CA, over CA Hwy 58, (22) between junction CA Hwys 223 and 99, near Bakersfield, CA, and junction CA Hwys 223 and 58 near Caliente, CA, over CA Hwy 223, and (23) between junction CA Hwys 184 and 58, near Bakersfield, CA, and Wheeler Ridge, CA, over CA Hwy 184, serving all intermediate points in routes (1)-(23) above, and serving points in Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, Tulare, King, Fresno, San Benito, Merced, Stanislaus, Santa Clara, Santa Cruz, San Mateo, Alameda, San Francisco and Contra Costa Counties, CA, those points in Madera County west of CA Hwy 41, those points in San Joaquin County south of CA Hwy 4, those points in Kern County, CA, west of a line beginning at the Kern-Tulare County Line then along CA Hwy 65 to junction CA Hwy 99, then along CA Hwy 99 to junction Interstate Hwy 5, then along Interstate Hwy 5 to the Kern-Los Angeles County line, those points in San Bernardino County, CA, west of a line beginning at the Los Angeles-San Bernardino County line, then along CA Hwy 138 to Interstate Hwy 15, then along Interstate Hwy 15 to junction Interstate Hwy 10, then along Interstate Hwy 10 to San Bernardino-Riverside County line, those points in Riverside County west of a line

beginning at the San Bernardino-Riverside County line, then along Interstate Hwy 10 to junction CA Hwy 86, then along CA Hwy 86 to the Riverside-San Diego County line, and those points in San Diego County west of a line beginning at the Riverside-San Diego County line, then along Interstate Hwy 15 to Interstate Hwy 805, then along Interstate Hwy 805 to the international boundary line between the U.S. and Mexico, as off-route points. Condition: Upon issuance of a certificate in this proceeding, the certificate of registration in MC 121790 (Sub-1), will be cancelled.

Note.—The purpose of this application is to convert a certificate of registration in MC 121790 (Sub-1), to a certificate of public convenience and necessity.

Volume. No. OP5-70

Decided: February 26, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 12739 (Sub-4), filed January 29, 1981. Applicant: PEAK TOURS, INC., 134 North Franklin St., Hempstead, NY 11550. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. Transporting *passengers and their baggage*, in special and charter operations, between points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 18088 (Sub-69), filed February 6, 1981. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Clorox Company, of Oakland, CA, (2) Union Underwear Company, Inc., of Bowling Green, KY, and (3) Kerr-McGee Corporation, of Oklahoma City, OK.

MC 40978 (Sub-84), filed February 6, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *furniture and fixtures*, between points in IA, IL, IN, MI, MN, MO, OH, and WI.

MC 74258 (Sub-1), filed February 6, 1981. Applicant: AMERICAN FREIGHT CORP., P.O. Box 3761, 969 N. 2nd St., Philadelphia, PA 19125. Representative: Steven M. Tannenbaum, 21 Teak St., Cherry Hill, NJ 08003. Transporting *general commodities* (except classes A and B explosives), between

Philadelphia, PA, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, OH, IN, IL, and DC.

MC 84648 (Sub-4), filed February 6, 1981. Applicant: SPINDLER TRANSFER CO., a corporation, d.b.a. SPINDLER'S SERVICE, 211 Cumming Ave., Superior, WI 54880. Representative: Robert D. Gisvold, 1800 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Transporting *commodities* in bulk, between points in St. Louis County, MN, and Douglas County, WI, on the one hand, and, on the other, points in IA, MI, MN, ND, SD, and WI.

MC 106398 (Sub-1093), filed January 29, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). Transporting *building materials*, between points in Cuyahoga County, OH, Erie County, NY, Fulton County, GA, Hennepin County, MN, Saint Louis City County, MO, Multnomah, OR, Middlesex County, NJ, Harris County, TX, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 109448 (Sub-30), filed February 5, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of heat exchangers and heating and air conditioning units, between points in Lorain and Medina Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 111548 (Sub-32), filed February 5, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. 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 113908 (Sub-521), filed January 27, 1981. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10066, G.S., Springfield, MO 65804. Representative: John E. Janders, P.O. Box 1979, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 114098 (Sub-54), filed February 5, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032

Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004. Transporting (1) *metal products* between points in the U.S., under continuing contract(s) with Expositac Wire Company, of Mt. Airy, NC, and (2) *rubber and plastic products* between points in the U.S., under continuing contract(s) with Queen City Plastics, Inc., of Charlotte, NC.

MC 114818 (Sub-22), filed February 5, 1981. Applicant: MOTOR CARGO, A Corporation, 845 West Center, North Salt Lake, UT 84054. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* [except classes A and B explosives], between points in CO, AZ, NV, and CA, and points in UT (except points in Davis, Weber, Box Elder, and Cache Counties, UT).

Note.—Applicant seeks permission to tack this authority with its existing regular-route authority.

MC 116949 (Sub-21), filed February 3, 1981. Applicant: BURNS TRUCKING, INC., Rural Rt. 1, Box 304, So. Sioux City, NE 68776. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Morgan Equipment Co., of San Francisco, CA.

MC 117119 (Sub-837), filed January 28, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same as applicant). Transporting *Mercer commodities* between points in Harris County, TX, and St. Mary Parish, LA, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, ND, OR, SD, UT, WA, and WY.

MC 118318 (Sub-57), filed February 5, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 118318 (Sub-58), filed January 19, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 119399 (Sub-145), filed January 30, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, MO 64801. Representative: Don D. Lacy (Same address as applicant). Transporting *food and related products*, between the facilities used by Thomas J. Lipton, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119399 (Sub-146), filed February 5, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (Same address as applicant). Transporting *food and related products*, between points in the U.S.

MC 138068 (Sub-1F), filed October 27, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, 1052 S. Main St., Urbana, OH 43078. Representative: Michael Spurlock 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in the U.S. under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 138069 (Sub-12), filed February 6, 1981. Applicant: LUCIUS, INC., 2512 South 163rd St., Omaha, NE 68130. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives), between points in Douglas County, NE, and Pottawattamie County, IA, on the one hand, and, on the other, points in the U.S.

Volume No. OP5-71

Decided: February 26, 1981.

By the Commission, Review Board No. 2, members Chandler, Eaton, and Liberman.

MC 141439 (Sub-6), filed January 29, 1981. Applicant: HILL TRUCK LINE, INC., P.O. Box 6291, Omaha, NE 68106. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between points in Douglas County, NE, and Pottawattamie County, IA, on the one hand, and, on the other, points in KS, MO, OK, AR, and TX.

MC 141958 (Sub-21), filed February 3, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *such commodities* as are dealt in or used by drug, grocery, and food business houses, between points in the U.S., under continuing contract(s) with The Proctor

& Gamble Company of Cincinnati, OH and its wholly owned subsidiaries.

MC 142059 (Sub-161), filed January 26, 1981. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Fred H. Daly, 2550 M. St., NW., Suite 475, Washington, DC 20037. Transporting (1) *such commodities* as are dealt in, or used by, manufacturers of containers, and (2) *metal articles*, between points in Baltimore and Wicomico Counties, MD, Wood County, OH, Philadelphia County, PA, Frederick County, VA, Essex County, MA, Hudson County, NJ, Cook and Kankakee Counties, IL, Rice and Dakota Counties, MN, Milwaukee County, WI, St. Louis County, MO, Fulton and De Kalb Counties, GA, Polk County, FL, Chesterfield and Spartanburg Counties, SC, Taylor, Tarrant, and Harris Counties, TX, Los Angeles and Contra Costa Counties, CA, and Washakie County, WY, on the one hand, and, on the other, points in the U.S.

MC 142168 (Sub-4), filed February 3, 1981. Applicant: CARL'S BUTTON & STITCH, INCORPORATED, Rt. 613, Box 424, Payne, OH 45880. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, and OH, on the one hand, and, on the other, points in CA, NV, and OR. Condition: Issuance of certificate in this proceeding is subject to coincidental cancellation at applicant's written request, of its certificate in MC 142618.

MC 143059 (Sub-164), filed January 29, 1981. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting *metal products* between points in Allegheny County, PA, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-46), filed February 5, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson, P.O. Box 147, New Richland, MN 56072. Transporting *food and related products*, between points in Freeborn County, MN on the one hand, and, on the other, points in CO, IL, IN, IA, NE, ND, SD, and WI.

MC 143899 (Sub-4), filed February 3, 1981. Applicant: MAHLON SAUNDERS, JR., d.b.a. SAUNDERS TRUCKING, 2715 Howbert, Colorado Springs, CO 80904. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives),

between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 144858 (Sub-40), filed February 3, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. Transporting *such commodities* as are dealt in or used by variety and department stores between points in AR, KS, MO, OK, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 145829 (Sub-24), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with Action Industries, Inc., of Cheswick, PA.

MC 145829 (Sub-25), filed February 6, 1981. Applicant: ETI CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with General Felt Industries, Inc., of Saddle Brook, NJ.

MC 147209 (Sub-6), filed February 6, 1981. Applicant: QUASAR EXPRESS, INC., P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101. Transporting *general commodities* (except classes A and B explosives), between points in Minnehaha County, SD, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

MC 148779 (Sub-5), filed February 6, 1981. Applicant: RON FOX TRUCKING, INC., 22N-675W; Valparaiso, IN 46383. Representative: Paul D. Borghesani, Suite 300, Communiana Bldg., 421 So. Second St., Elkhart, IN 46516. Transporting *Rubber and plastic products*, between points in the U.S., under continuing contract(s) with Fairchild Camera and Instrument Corporation, of Mountain View, CA.

MC 150768 (Sub-1), filed February 6, 1981. Applicant: EAGLE FURNITURE CORP., d.b.a. GREENWOOD CARRIERS, INC., Route 5, Box 330, Cookeville, TN 38501. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting *lumber and wood products*, between points in Putnam County, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151428 (Sub-2), filed January 28, 1981. Applicant: J & H TRUCKING, INC.,

12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Paulsen Wire Rope Corporation of Sunbury, PA.

MC 151609 (Sub-1), filed February 6, 1981. Applicant: BRIAN KARGMAN, d.b.a. B. K. LEASING CO., Dutch Mill Road, Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Suite 1112, Washington, D.C. 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Malanco East, Inc., of Vineland, NJ.

MC 151799 (Sub-2), filed February 3, 1981. Applicant: GLENMAR, INC., 5500 S.W., 315th, Federal Way, WA 98003. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting (1) *lumber and wood products*, between points in WA and OR on the one hand, and, on the other, points in ID, MT, WY, CA, NV, UT, AZ, NM, and CO, and (2) *iron and steel articles*, between points in King County, WA, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT, WA, and WY.

MC 153129 (Sub-1), filed February 3, 1981. Applicant: GENE FENTON, INC., 213 Hillcrest Drive, Audubon, IA 50025. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 153759 (Sub-1), filed January 30, 1981. Applicant: GLOUCESTER DISPATCH, INC., 274 Main St., Gloucester, MA 01933. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Chase and Company, of New York, NY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7929 Filed 3-12-81; 8:40 am]
BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

Correction

On page 15233, in the issue for Wednesday, March 4, 1981, in the correction for FR Doc. 81-3204, (which originally appeared on Wednesday, January 28, 1981, at 46 FR 9218), make the following correction:

In the last line, "NF" should have read "NE".

BILLING CODE 1505-01-M

Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the *Federal Register* of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 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. OP1-060

Decided: March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 200 (Sub-566), filed February 5, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *empty steel shipping cylinders*, between points in Garfield County, OK, on the one hand, and, on the other, points in ID, NV, UT, and WY.

FF-540, filed January 29, 1981. Applicant: L D S FORWARDING, 2211 Wood St., Oakland, CA 94607. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in the U.S.

MC 61440 (Sub-207), filed January 30, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except classes A and B explosives) serving points in Grayson County, TX as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 63101 (Sub-11), filed February 6, 1981. Applicant: KEENE'S TRANSFER, INC., 1019 East Ave., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting (1) *transportation equipment*, between points in Ramsey County, MN, on the one hand, and, on the other, points in WI, and (2) *metal products*, between points in Monroe County, WI, on the one hand, and, on the other, points in AR,

IA, IL, IN, KY, MI, MN, MO, ND, OH, SD, and TN.

MC 80430 (Sub-186), filed February 6, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Kansas City, MO, and Noyes, MN, from Kansas City over Interstate Hwy 29 to Sioux City, IA, then over U.S. Hwy 75 to Noyes, and return over the same route, (2) between Kansas City, MO, and Grand Portage, MN, from Kansas City, over Interstate Hwy 35 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Grand Portage, and return over the same route, (3) between Dubuque, and Pacific Junction, IA, from Dubuque over U.S. Hwy 61 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Pacific Junction, and return over the same route, (4) between Des Moines, IA, and Omaha, NE, over Interstate Hwy 80, (5) between Ft. Dodge, and Sioux City, IA, over U.S. Hwy 20, (6) between Austin, MN, and Sioux Falls, SD, from Austin over Interstate Hwy 90 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Sioux Falls, and return over the same route, (7) between Mankato, MN, and Brookings, SD, over U.S. Hwy 14, (8) between Minneapolis, MN, and Fargo, ND, over U.S. Hwy 52, (9) between Duluth, and Donaldson, MN, from Duluth over U.S. Hwy 53 to International Falls, MN, then over MN Hwy 11 to Donaldson, and return over the same route, (10) between Portage, WI, and Ironwood, MI, from Portage over U.S. Hwy 51 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Ironwood, and return over the same route, (11) between Menominee, and Escanaba, MI, over MI Hwy 35, (12) between Michigan City, IN and junction U.S. Hwy 31 and Interstate Hwy 75, near Mackinaw City, from Michigan City over U.S. Hwy 12 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 131, then over U.S. Hwy 131 to junction U.S. Hwy 31 to junction Interstate Hwy 75, and return over the same route, (13) between Port Huron, MI, and Sault Ste. Marie, MI, from Port Huron over MI Hwy 21 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Sault Ste. Marie, and return over the same route, (14) between St. Ignace, MI, and Crookston, MN, over U.S. Hwy. 2, serving all intermediate points in routes (1)-(14) above, and off-route points in IA, MI, MN and WI.

Note.—Applicant intends to tack the above requested authority with its existing authority.

MC 129790 (Sub-17), filed February 6, 1981. Applicant: JOSEPH A. BECKER, d.b.a. BECKER HI-WAY FRATE, P.O. Box 10B, Albert Lea, MN 56007. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Streater Industries, Inc., of Albert Lea, MN.

MC 144140 (Sub-54), filed January 6, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32728. Representative: John L. Dickerson (same address as applicant). Transporting *food and related products*, between points in the U.S.

MC 144221 (Sub-3), filed February 6, 1981. Applicant: KINGSWAY FREIGHTLINES LIMITED, 212 Meridian Road N.E., Calgary, Alberta, Canada 2TA 246. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between ports of entry on the International boundary line, between the U.S. and Canada at or near Blaine, Lyden or Sumas, WA, and Portland, OR, over Interstate Hwy. 5, serving all intermediate points and serving points within 10 miles of the authorized regular route as off-route points.

MC 145531 (Sub-3), filed February 6, 1981. Applicant: RAPID TRANSFER, INC., 3219 Airport Way South, Seattle, WA 98134. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives) between points in WA, ID, OR and CA.

MC 150290 (Sub-4), filed January 26, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *machinery*, (2) *metal products*, (3) *chemicals and related products*, and (4) *petroleum, natural gas and their products*, between Atlanta, GA, Los Angeles, CA, Detroit, MI, Chicago, IL, Philadelphia, PA, Buffalo and New York, NY, and points in Will County, IL, Hudson County, NJ, and Kanawah County, WV, on the one hand, and, on the other, points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum

gas, it will expire 5 years from the date of issuance.

MC 151520 (Sub-1), filed January 6, 1981. Applicant: BOBBY G. GRAHAM, d.b.a. BOBBY G. GRAHAM TRUCKING, P.O. Box 743, Hawthorne, NV 89415. Representative: Bobby G. Graham (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with E. J. Brach & Sons, Inc., of Reno, NV.

MC 152451 (Sub-1), filed February 5, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Rte. 309 W., Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *chemicals and related products*, between points in IL, IN, KY, MI, and OH.

MC 153870 (Sub-1), filed February 5, 1981. Applicant: D.A.D. TRUCKING, INC., 157 West 24th St., New York, NY 10011. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *household goods*, between New York, NY, Dallas and Houston, TX, Kansas City and St. Louis, MO, San Francisco, CA, Chicago, IL, New Orleans, LA, Atlanta, GA, Washington, DC, Denver, CO, Philadelphia, PA, and points in Suffolk County, MA, Dade County, FL, Los Angeles, CA, Cuyahoga County, OH, King County, WA, Maricopa County, AZ, and Bernalillo County, NM.

MC 153871 (Sub-1), filed February 3, 1981. Applicant: ED COCHRAN d.b.a. ED'S TRUCKING COMPANY, 2214 Poplar Rd., Baltimore, MD 21221. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Capital Fireproof Steel, a division of New Jersey Steel Corporation, of Baltimore, MD.

MC 153971 (Sub-1), filed February 6, 1981. Applicant: E-Z TRANS, INC., P.O. Box 641, Woodbury, CT 06798. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, TN, GA, and FL.

MC 154041, filed February 6, 1981. Applicant: PINDER S TRANSFER, INC., 4421 S.W. 134th Ct., Miami, FL 33175. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166. Transporting *general commodities* (except classes A and B explosives), between points in the Commercial Zone of Miami, FL.

MC 154051 (Sub-1), filed February 5, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road (P.O. Box 617), Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting *hazardous materials*, between points in CT, ME, MA, NH, NJ, NY and VT, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 154091, filed February 6, 1981. Applicant: ON THE ROAD TOURS, INC., P.O. Box 183, 5713 Middaugh Ave., Downers Grove, IL 60515. Representative: John Kloster, 2 W. Greenfield, Lombard, IL 60148. As a broker, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 154131 (Sub-1), filed February 6, 1981. Applicant: PRISCOM CORPORATION, 300 Lanidex Plaza, Parsippany, NJ 07054. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Prismo Universal Corporation and its affiliates, Universal Road Marking, Inc., and Transmark, Inc., all of Parsippany, NJ.

MC 154270, filed February 3, 1981. Applicant: AUT TEXAS, INC., 2000 South Post Oak Road, Houston, TX 77046. Representative: Richard D. Gluck, 1054 Thirty-First Street NW., Washington, DC 20007. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 154320, filed February 6, 1981. Applicant: AMARAL TRUCKING, INC., 1220 Whipple Rd., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of soft drink beverages, between points in the U.S., under continuing contract(s) with Shasta Beverages, Inc., of Hayward, CA. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-7050 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decision; 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 40 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-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.

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

We also find, that the transaction is consistent with the public interest, will enable the rail carrier to use motor carrier transportation to public advantage in its operation, and will not unreasonably restrain competition.

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: March 5, 1981.

Volume No. OP3-198

Decided March 5, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC-F-14568, filed February 4, 1981. Applicant: FLORIDA EAST COAST RAILWAY COMPANY (FLORIDA) (One Malaga Street, St. Augustine, FL 32084)—continuance in control—FLORIDA EXPRESS, INC. (FEC)—initial common carrier (One Malaga Street, St. Augustine, FL 32084). Representative: Eugene T. Liipfert, Suite 1100, 1600 L Street NW., Washington, DC 20036. Florida seeks authority to continue in control of FEC upon the institution by FEC of operations, in interstate or foreign commerce, as a motor common carrier. St. Joe Paper Co., a publicly held non-carrier and majority stockholder of Florida, seeks authority to acquire control of said rights through the transaction. Florida was authorized to control Apalachicola Northern Railway in 307 I.C.C. 5 (1958). It also owns all the capital stock of Florida East Coast Highway Dispatch Co., Inc., which holds a certificate of registration issued in Docket MC 120975. Florida also is seeking in MC-F-14578, authority to continue in control of Florida East Coast Highway Dispatch Co., Inc., when its certificate of registration is converted. Condition: So far as can be ascertained from the evidence of record in this proceeding, St. Joe is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized to this proceeding, St. Joe will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—FEC has filed as a directly related application its initial common carrier application. This application, docketed MC 153915 is published in this same Federal Register issue.

MC-F-14578, filed February 5, 1981. Applicant: FLORIDA EAST COAST RAILWAY COMPANY (FLORIDA) (One Malaga Street, St. Augustine, FL 32084)—continuance in control—FLORIDA EAST COAST HIGHWAY DISPATCH CO. (DISPATCH) (One Malaga Street, St. Augustine, FL 32084). Representative: Eugene T. Liipfert, Suite 1100, 1600 L Street NW., Washington, DC 20036. Florida, a Class I common carrier by rail, seeks authority to continue in control of interstate operating rights of Dispatch. St. Joe Paper Co., a publicly held non-carrier and majority stockholder of Florida, seeks authority to acquire control of said rights through the transaction. Florida was authorized to control Apalachicola Northern Railway in 307 I.C.C. 5 (1958). It also owns all the capital stock of Florida Express, Inc., which has applied for its initial common carrier authority in Docket MC 153915. Florida is seeking in MC-F-14568, authority to continue in control of Florida Express, Inc., when its certificate is issued. Dispatch presently holds authority in Certificate of Registration MC 120975 (Sub-1), to operate as a common carrier, transporting general commodities over specified regular routes in Florida.

Note.—Dispatch has filed a directly related application to convert its certificate of registration to a certificate of public convenience and necessity. The application docketed MC 120975 (Sub-2), is published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-7026 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 37]

Restriction Removals; Decision-Notice

Decided: March 9, 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 3991 (Sub-7)X, filed February 26, 1981. Applicant: J. C. TRUCKING COMPANY, INC., 234 Forbes Ave., New Haven, CT 06512. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06150. Applicant seeks to remove restrictions in its certificate MC 30180 acquired in MC-FC-78371 to (1) remove all exceptions to its general commodities except classes A and B explosives, and (2) expand the one-way movement in the irregular route portion of its authority to authorize radial service between South Norwalk, CT and points in CT. Applicant further seeks removal of restrictions from its lead certificate MC 3991 and Sub-5 to (1) broaden the commodity descriptions from ladies suit and dress piece goods, cut goods and trimmings; finished and unfinished ladies dresses and suits; women's and children's garments (some on hangers); materials used in the manufacture of women's and children's dresses to "wearing apparel" and (2) replace one-way authority with two-way authority in (a) the lead: between New York, NY and New Haven, CT and (b) Sub-5: between Waterbury, CT and New York, NY.

MC 32882 (Sub-157)X, filed February 20, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same as applicant). Applicant seeks to remove restrictions in its Sub-53 certificate to (1) broaden the commodity description to authorize "machinery and building materials," from automobile cleaning machines, parts, equipment,

and materials used in the construction or erection of buildings or housing facilities for cleaning machines, and (2) remove the exception against service in AK and HI, to authorize between Portland, OR, and points in the United States.

MC 38556 (Sub-49)X, filed February 5, 1981, previously noticed in the *Federal Register* of February 24, 1981, republished as corrected this issue. Applicant: BLACKMON TRUCKING, INC., P.O. Box 188, Somers, WI 53171. Representative: Fred H. Figge (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-41F, 42F, 44F, and 46F certificates to (1) broaden its commodity description (a) from canned goods, canning factory supplies and equipment; canned goods and such commodities as are dealt in or used by manufacturers of canned goods, and canned and prepared foodstuffs (except in bulk, in tank vehicles), to "food and related products, and materials equipment and supplies used in the manufacture and distribution thereof", in the lead certificate (sheet 4), Sub-44F, and Sub-46F, respectively; (b) from pet food (except in bulk), to "pet food, and materials equipment and supplies used in the manufacture and distribution thereof", in Sub-41F; (2) change its one-way authority to radial authority between several specified States; and replace specified plantsites or cities with county-wide or commercial zone authority (a) a named plantsite at St. Joseph, MO, with Buchanan County, MO, Jefferson, WI, with Jefferson County, WI, Ft. Dodge, IA, with Webster County, IA, and Sebring, OH, with Mahoning County, OH, in Sub-41F; (b) a named plantsite at Mount Vernon, and St. Joseph, MO, with Lawrence and Buchanan Counties, MO, a named plantsite at Mansfield, TX, with Tarrant County, TX; and a named plantsite at Waupun, Oconomowoc, and Menominee Falls, WI, with Dodge, Fond du Lac, and Waukesha Counties, WI, in Sub-42F, parts (a), (b), and (c), respectively; (c) a named plantsite at 8 named cities in WI, with St. Croix, Marinette, Oconoto, Shawano, Fond du Lac, Calumet, and Waukesha Counties, WI; a named plantsite at Louisville, KY and St. Louis, MO with authority to serve their respective commercial zones, a named plantsite at Brownsville WI, with Dodge County, WI in Sub-44F, and (d) 5 named cities in WI, with Sheboygan, Dodge, Jefferson, and Fond du Lac Counties, WI, in Sub-46F; and (3) eliminate the restriction against transportation of commodities in bulk, and shipments originating at the named origins, in Sub-42F. The purpose of this

republication is to add Dodge County to part (2)(b) of the caption summary as Waupun, WI is located in both Dodge and Fond du Lac Counties.

MC 87379 (Sub-25)X, filed February 18, 1981. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Ave., Uhrichsville, OH 44683. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-2, 7, 11, 14, 18, 20, 23, and 24 certificates by (1) broadening the commodity descriptions (a) from petroleum products, in containers in its lead to "such commodities as are dealt in or used by manufacturers of petroleum, and petroleum products," (b) from products and articles manufactured of clay, except earthenware and pottery in its lead and Sub-2; clay products, stoneware, and chinaware, in Sub-7; materials equipment and supplies (except commodities in bulk), used in the manufacture or distribution of clay products in Sub-14; clay products and materials, equipment, and supplies used in the manufacture or distribution of clay products (except commodities in bulk), in Sub-20; clay products, materials and supplies used in the installation of clay products and materials used in the manufacture of clay products in Sub-23; and clay flower pots, clay products and clay pottery in Sub-24, to "such commodities as are dealt in or used by manufacturers of clay and clay products," (c) from plastics, pipe, fittings, and accessories in Sub-7; packaged plastic molding compounds in Sub-11; materials, equipment and supplies (except commodities in bulk), used in the manufacture or distribution of plastic products, in Sub-14 and 18; to "such commodities as are dealt in or used by manufacturers of plastic and plastic products; (d) from molded rubber tire and tube repair items, extruded rubber washers, and lead balance weights in Sub-18 to "such commodities as are dealt in or used by manufacturers of rubber and rubber products and automotive parts"; and (e) from canned dog food in Sub-24 to "such commodities as are dealt in or used by manufacturers or distributors of animal food"; and (f) from new furniture, parts and accessories in Sub-18, to "such commodities as are dealt in or used by manufacturers of furniture" (2) substituting Venango County, PA for Rouseville, PA in its lead; Perry County, OH for (a) Junction City, OH, in its lead, Sub-2, 7, and 14 and (b) Crooksville, OH in Sub-24; Carroll County, OH for (a) Center Township in Sub-7 and (b) Carrollton in Sub-14; Tuscarawas County, OH for (a) Stillwater, OH, in its

lead and (b) Newcomerstown, OH in Sub-11 and 18, and (c) portions of Tuscarawas County in Sub-23; St. Lawrence County, NY for Gouverneur, NY, Bourbon County, KY for Paris, KY, and Chickasaw County, MS for Houston, MS, in Sub-23; Monroe County, MI for South Rockwood, MI, Muskingham County, OH for Roseville and Zanesville, OH, Warren County, OH for Corwin and Pekin, OH, Columbiana County, OH for Summitville, OH, in Sub-24; and Winona County, WI for Winona, WI, in Sub-11; (3) by replacing one-way with radial authority generally between the above counties and most of the U.S.; (4) remove the exceptions of AK and HI and the origin State of OH from its nationwide authority in authority in Sub-18; (5) removing "originating at or destined to" restrictions in Sub-18 and 24; and (6) removing restrictions (a) against the transportation of ores and iron oxide from or to named points in PA and OH, in Sub-14; (b) against service between portions of AL and OH in Sub-24, and (c) against service to or from named facilities in Newcomerstown, OH, in Sub-18. Applicant also seeks to remove restrictions in MC 126851 lead and Sub-2 and 3 permit by (1) broadening the commodity descriptions (a) from non-ferrous scrap in the lead, to "waste or scrap materials not identified by industry producing", and (b) from rifle assemblies, rifle accessories, and rifle parts, to "such commodities as are dealt in or used by manufacturers of rifles", and (2) expanding the territorial authorities to between points in the U.S., under continuing contract(s) with named shippers.

MC 95874 (Sub-4)X, filed February 17, 1981, previously noticed in the *Federal Register* of March 3, 1981 republished as corrected this issue. Applicant: BOYER TRUCK LINE, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from livestock to "farm products", feed, chipboard, boxes, paper, fibre-board, pulpboard, binder twine, and farm machinery, to "feed, pulp paper and related products, and machinery", from binder twine, farm machinery, and agricultural implements, to "machinery", from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)", from coal, to "coal and coal products", and from feed and livestock, to "feed and farm products"; (2) change its one-way authority to radial authority between various combinations of points

in IL and IA; (3) authorize intermediate point service in its regular route authority, between DeWitt, IA and Chicago, IL; (4) replace its cities with county-wide authority, in its irregular route authority (a) Sandwich, Rockford, Moline, East Moline, and Rock Island, IL, with De Kalb, Winnebago, and Rock Island Counties, IL, Low Moor and DeWitt, IA, with Clinton County, IA, Geneseo, IL, with Henry County, IL, Maquoketa, IA, with Jackson, IA, and Rock Falls and Canton, IL, with Whiteside and Fulton Counties, IL; and (5) eliminate the restriction prohibiting jointline service with F-B Truck Line Company and Lester Smith Trucking, Inc., or any of their successors on the transportation of farm machinery. The purpose of this republication is to show the correct docket number to be MC 93674 (Sub-4)X in lieu of MC 93764 (Sub-4)X.

MC 117416 (Sub-72)X, filed February 20, 1981. Applicant: NEWMAN AND PEMBERTON CORP., 2007 University Ave. NW., Knoxville, TN 37921. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-1, 7, 11, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 27, 28, 30, 32, 33, 37, 39, 44, 47, 48, 53, 58F, 59, 60, 61, 62, 64, 65, 67, 68, 69, 70, certificates and its E1, 2, 3, 6, and 7 authorities as follows: (a) by broadening the commodity description in Sub-1, 7, and 39 from groceries, canned dog and cat food and animal litter to "such commodities as are dealt in by chain and food business houses"; in Sub-1 from aprons, uniforms, stoves, furnaces, and paint to "textile mill products, metal products, and chemicals"; in Sub-1, 7, 11, 13, 14, 28, 53, 62, 64, and E1, 2, 3, 6, and E-7 from crackers and cakes, coffee, tea, mayonnaise, canned goods, canned and preserved foods, candy and confectionery products, canned and processed foods, bakery products, foodstuffs and canned foodstuffs to "food and related products"; in Sub-1 from meats and lard to "packinghouse products"; in Sub-1, 14, 17, 24, 33, 39, 48 and 69 from paint, laundry bleach, sodium hydroxide, cleaning compounds and silica and sodium sulphate to "chemicals and related products"; in Sub-1, 18, and 60 from metal clamps, fasteners and nails, metal containers, and metal powders and ferrite powders to "metal products"; in Sub-16, 23, 65 and 70 from minerals and earth concentrates to "ores and minerals"; in Sub-16, 23, 32, 61 and 67 from clay, ground or pulverized, ground limestone, feldspar, limestone and alumina trihydrate to "clay and stone products";

in Sub-1, 14, 15, 22, 27, 30, and E-7 from paper containers, paper, paper napkins, newsprint paper, groundwood paper, printing paper and wood pulp and paper and paper products to "pulp, paper and related products"; in Sub-37 from general commodities with the usual exceptions to "general commodities (except classes A and B explosives)"; in sub-1 and 26 from asbestos and other enumerated commodities and plastic and vinyl building materials, backerboard to "building materials"; in Sub-59 from charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid, and hickory chips to "petroleum, natural gas and their products, coal and coal products and lumber and wood products"; and in Sub-1 from canning factory machinery and equipment to "machinery"; (2) by removing all exceptions on commodity descriptions, such as commodities in bulk, frozen food, in containers, refrigerated equipment, in mixed loads, etc., wherever they appear in each of the above numbered certificates and E authorities; (3) in sub-14, 26, 28, 44, 47, 48, 53, 59, 60, 67, 68, 69, and 70 by eliminating named facilities limitations; (4) by replacing specific point authority with county-wide authority wherever they appear in the above numbered certificates as follows: Corbin with Whitley County, KY; Monroe with Monroe County, MI; Mariemont with Hamilton County, OH; Jeffersonville with Clark County, IN; Whiteland and Greenwood with Johnson County, IN; Martinsville with Morgan County, IN; Anderson and Elwood with Madison County, IN; Tipton with Tipton County, IN; Peru with Miami County, IN; Wabash with Wabash County, IN; Austin with Scott County, IN; Edinburg with Johnson County, IN; Underwood with Scott County, IN; Scottsburg with Scott County, IN; Seymour with Jackson County, IN; Newport with Cocke County, TN; Jefferson City with Jefferson County, TN; Sevierville with Sevier County, TN; Tellico Plains with Monroe County, TN; Springfield with Clark County, OH; Bloomington with McLean County, IL; Springfield with Sangamon County, IL; Lexington with Fayette County, KY; Covington with Kenton County, KY; Newport with Campbell County, KY; Napoleon with Henry County, OH; West Point with Troupe County, GA; Columbus with Muscogee County, GA; Rome with Floyd County, GA; LaGrange with Troupe County, GA; Lexington with Fayette County, KY; Hopkinsville with Christian County, KY; Glasgow with Barren County, KY; Fayetteville with Lincoln County, TN; Lebanon with

Wilson County, TN; Crossville with Cumberland County, TN; Anniston with Calhoun County, AL; Decatur with Morgan County, AL; Ensley with Birmingham County, AL; Ripley with Tippah County, MS; Corinth with Alcorn County, MS; Tupelo with Lee County, MS; Akron with Summit County, OH; Norwalk with Huron County, OH; Fremont with Sandusky County, OH; Chestnut Hill with Jefferson County, TN; Clinton with Anderson County, TN; Hoopeston with Vermilion County, IL; Waukegan with Lake County, IL; Columbus with Franklin County, OH; Chestnut Hill with Jefferson County, TN; Clinton with Anderson County, TN; Calhoun with McMinn County, TN; McIntyre with Wilkinson County, GA; Griffin with Spalding County, GA; Catawba with York County, SC; Ceredo with Wayne County, WV; Williamson with Mingo County, WV; Pulaski with Pulaski County, VA; Richlands with Tazewell County, VA; St. Paul with Wise County, VA; Campbellsville with Taylor County, KY; Danville with Vermilion County, IL; Kankakee with Kankakee County, IL; Tate with Pickens County, GA; Etowah with McMinn, TN; Columbus with Franklin County, OH; Macon with Bibb County, GA; Burnside with Pulaski County, KY; Crossville with Cumberland County, TN; Dothan with Houston County, AL; Greenback with Loudon County, TN; Monticello with Jasper County, GA; Campobello with Spartanburg County, SC; Etowah with McMinn County, TN; Fremont with Sandusky County, OH; Norwalk with Huron County, OH; Peru with Miami County, IN; Martinsville with Morgan County, IN; and Wabash with Wabash County, IN; (5) expanding one-way authority to radial authority to authorize service between specified cities or counties mainly in the eastern portion of the US; (6) in the regular route portion of Sub-1, authorizing service at all intermediate points between Cincinnati, OH and Cordele, GA, and (7) remove "originating at and destined to" restrictions in Sub-16 and 58F.

MC 119917 (Sub-66)X, filed February 25, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Charles Ephraim, 406, World Center Bldg., 918 16th St., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-4, 15, 25, 35, 39, 41, 42, 44, and 50F certificates to (1) change the commodity description from bakery products in its lead, and Sub-4 and 44, from potato chips, potato sticks, corn chips, and popped corn in Sub-15, from bakery products and confectionery in Sub-25,

from bakery products (except frozen) in Sub-35, 39, 41, and 42, and from foodstuffs and materials, equipment, and supplies used in the manufacture of foodstuffs (except commodities in bulk) in Sub-50F, to "food and related products"; (2) remove facilities limitations at Atlanta, GA in Sub-4 and 41, Henrico County, VA in Sub-35 and 41, Macon, GA in Sub-42, Houston, TX, in Sub-41, Grand Rapids, MI, Cincinnati, OH and Chicago, IL, in Sub-50F, and Valdosta, GA, and Montgomery, AL, in Sub-44; (3) authorize intermediate point service on regular routes between Atlanta, GA and Chattanooga, TN, in its lead; (4) substitute Floyd County, GA, for Rome, GA, in its lead, Fayette County, KY, for Lexington, KY, in Sub-4, and Rockdale County, GA, for Conyers, GA, in Sub-39; (5) remove restrictions against service (a) from Cincinnati, OH, to points in MI in Sub-50F, (b) at Chattanooga, TN, in its lead, and (c) at Birmingham, AL, in Sub-42; (6) remove the exception of Chattanooga from TN in its lead; (7) remove originating at or destined to restrictions in Sub-35 and 50F; and (8) change one-way to radial authority generally (a) between named points in GA, VA, and TX, and 10 Southern States, DC and OK, and (b) between Grand Rapids, MI, Cincinnati, OH, and Chicago, IL, and 10 midwestern States.

MC 124627 (Sub-1)X, filed February 20, 1981. Applicant: HOWARD TRUCKING CO., INC., P.O. Drawer 1479, West Admiral Doyle Drive, New Iberia, LA 70560. Representative: Lionel M. Sweeney (same as applicant). Applicant seeks to remove restrictions in its lead certificate, acquired in MC-P-13710, to broaden the commodity description from machinery, equipment, materials and supplies used in replacing, servicing, and repair of machinery and equipment used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and by-products to "Mercer commodities."

MC 133420 (Sub-5)X, filed February 25, 1981. Applicant: TRI-STATE TRANSPORT, P.O. Box 2168, Long Beach, CA 90801. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele St., Denver, CO 80209. Applicant seeks to remove restrictions in its lead and Sub-1F and 4F certificates to (1) broaden the commodity description to "machinery" from (a) in the lead certificate, aerators, and (b) in Sub-4F, tractor parts and material handling equipment; (2) broaden the territorial description to county-wide authority; in the lead certificate, Winnebago County, IL for

Roscoe, IL; in Sub-1F, Los Angeles County, CA, for Los Angeles, CA, El Paso County, TX, for El Paso, TX, Cook County, IL, for Chicago, IL, Fulton County, GA, for Atlanta, GA, Montgomery County, AL, for Montgomery, AL, and Davidson and Washington Counties, TN, for Nashville and Johnson City, TN; (3) in the lead certificate, change one-way to radial authority between Winnebago County, IL, and points in the U.S.; (4) remove the restriction against service to AK and HI in Sub-4, and against service to HI in the lead; and (5) in Sub-1F, remove the plantsite limitations at named cities.

MC 138438 (Sub-106)X, filed February 23, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-4, 46F, 71F certificates to (1) broaden the commodity description from plastic pipe, pipe fittings, materials and supplies to "rubber and plastic products" in all Sub-Nos; (2) remove the exception bulk commodity restrictions in Sub-4 and 71; (3) replace facilities with county-wide service: Washington County for Williamsport, MD in Sub-4 and 46; Walton County for Social Circle, GA; Shelby County for Eads, TN; Montgomery County for Ambler, PA, in Sub-46; (4) authorize radial service in lieu of existing one-way authority between Washington County, MD and 20 states and DC, in Sub-4; and Washington County and 3 states, and Walton County, GA, Shelby County, TN and Montgomery County, PA and points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, in Sub-46.

MC 144912 (Sub-7)X, filed February 20, 1981. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 E. 15th St., Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-3F and 5F certificates to (1) broaden the commodity descriptions in those authorities from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; (2) broaden the territorial scope by replacing city-wide authority with county-wide in Sub-3F and 5F, and one-way authority with radial in part (1) of Sub-5F as follows: between points in Los Angeles County (Los Angeles) CA and Bernalillo County (Albuquerque), NM, and points in AZ and CO; and (3) remove restrictions limiting traffic to shipments moving on bills of lading of

non-profit shipper associations as defined in 49 U.S.C. 10562(3).

MC 144912 (Sub-8)X, filed February 20, 1981. Applicant: LEON R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 E. 15th St., Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-1F certificate to (1) broaden its commodity description from foodstuffs in mixed shipments with exempt commodities, and commodities which are otherwise exempt from regulation in mixed shipments with foodstuffs, to "food and related products"; and (2) replace its one-way authority with radial authority between New York, NY, VA, NC, and GA, and points in CA and UT.

MC 145468 (Sub-43)X, filed February 23, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions from its Sub-36F certificate to (1) change the commodity descriptions in parts (1) and (2) of its certificate from meats, meat products, etc., to "food and related products"; (2) delete all restrictions on commodities such as "except hides and commodities in bulk"; (3) eliminate the facilities restrictions and "originating at and destined to" restrictions in parts (1), (2), and (3); (4) replace the city designations with county-wide authority: Estherville and Ottumwa with Emmet and Wapello Counties, IA; Fremont with Dodge County, NE; Crawfordsville with Montgomery County, IN; Brookings with Brookings County, SD; and (5) authorize radial authority between specified points in 14 eastern states and DC, and, 7 central States.

MC 148899 (Sub-3)X, filed February 20, 1981. Applicant: BARLOW TRUCK LINES, INC., P.O. Box 224, Faucett, MO 64448. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Applicant seeks to remove the restrictions from its permit MC 148899, acquired in MC-FC-77869, permit not yet issued, to (1) broaden the commodity description from meat, meat products, and meat by-products, and articles distributed by meat packinghouses, to "food and related products"; (2) remove the restriction "except hides and commodities in bulk, in tank vehicles"; and (3) expand its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 151257 (Sub-2)X, filed February 24, 1981. Applicant: SHO-LEN, INC. d.b.a. PACIFIC TRANSPORTATION, 10869 Drury Lane, Lynwood, CA 90262. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its MC-147265, Sub-2F permit to (1) broaden the commodity description from aluminum truck frame rails to "metal products," and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-7925 Filed 3-12-81; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Thursday and Friday, March 26-27, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

March 26, 1981

- 9:00 a.m. to 9:30 a.m.—Plenary
- Announcements
 - Introduction and Swearing In of New NACOA Member
- 9:30 a.m. to 12:00 noon
- U.S. Coast Guard
 - Speaker: (To be announced)

- 12:00 noon to 1:00 p.m.—Lunch
- 1:00 p.m. to 3:00 p.m.—Plenary
- Review of National Oceanic and Atmospheric Programs
- 3:00 p.m. to 5:00 p.m.—Steering Committee Meeting
- 5:00 p.m.—Adjourn

March 27, 1981

- 8:30 a.m. to 9:00 a.m.—Closed Session—Discussion of candidates for membership on NACOA's Independent Areas Task Force
- 9:00 a.m. to 10:30 a.m.—Panel Meeting
- Atmospheric Science Research Facilities Panel—Louis Battan
 - Discussion of Draft Report
- 10:30 a.m. to 12:00 noon—Plenary
- Review of National Oceanic and Atmospheric Programs
- 12:00 noon to 1:00 p.m.—Lunch
- 1:00 p.m. to 3:00 p.m.—Plenary
- Panel Reports
 - Reports by staff on National Oceanic and Atmospheric Programs
- 3:00 p.m.—Adjourn

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session from 8:30 a.m. to 9:00 a.m. on Friday, March 27, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 9, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section 5(c) of the Government in the Sunshine Act, Public Law 94-409, that the matters to be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(6), i.e., information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. All other portions of the meeting will be open to the public.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference and Records Inspection facility, Room 5317, U.S. Department of Commerce, Washington, D.C. 20230, area code 202/377-4217.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW. (Suite 438,

Page Building No. 1), Washington, D.C. 20235.

Stephanie M. Jones,
Administrative Assistant.

[FR Doc. 81-7866 Filed 3-12-81; 8:45 am]
BILLING CODE 3510-12-M

FOUNDATION ON THE ARTS AND HUMANITIES

Visual Arts Panel (Building Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Building Arts Section) to the National Council on the Arts will be held on March 30-April 2, 1981, from 9 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John J. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts, February 3, 1981.

[FR Doc. 81-7892 Filed 3-12-81; 8:45 am]
BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Astronomical Sciences; Advisory Committee Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.

Date: April 8 and 9, 1981.

Time: 9:00 am-5:00 pm each day.

Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Part Open. April 8, 9-10 a.m. open; 10-11 a.m. closed; 11 am-5 pm. open; April 9, 9 am-5 pm. open.

Contact Person: Dr. William E. Howard, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9488.

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range plans in astronomy, including a recommendation of relative priorities.

Agenda:

April 8, 1981

I. Introductory Remarks, Approval of Minutes and Short Status Reports

A.M.

II. Discussion of the Budget

III. Closed—Review and evaluate astronomy proposals (10-11 am)

IV. Status of the Astronomy Survey Committee Recommendations

V. The Transcontinental Radio Telescope Array

VI. Astronomy Research Section Topics

P.M.

VII. Report on Research Section Three-Year Review

VIII. Prioritization of Astronomy Initiatives Plan (Part I)

April 9, 1981

IX. Overview and Comparative Statistics—Astronomy Centers Section

A.M.

X. Reports and Concerns of National Centers Directors

XI. National Astronomy Centers Travel Policy

XII. Status of Dark Sky Site

XIII. Prioritization of Astronomy Initiatives Plan (Part II)

P.M.

XIV. Discussions of Problems in Astronomy—Concerns of the Committee

XV. Critique of the Meeting

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1981.

[FR Doc. 81-7794 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Atmospheric Sciences Advisory Committee

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.

Date: April 9 and 10, 1981

Time: 9:00 a.m.—5:00 p.m.

Place: National Center for Atmospheric Research P.O. Box 3000 Boulder, Colorado 80307.

Type of Meeting: Open

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9874.

Purpose of Committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

Agenda:

April 9, 1981

9:00 a.m. Open Remarks, Welcome to NCAR Introduction of ACAS/ACOS members, ATM/OCE Staff, NCAR Staff—Dessler/Bierly/White/Hess/Gross

9:15 a.m. Budget Update—FY 1981 and FY 1982 (Discussion will be deferred to p.m.)—Bierly/Gross

9:30 a.m. Presentation of NCAR Oceanography Section Research—Hess/Bretherton

10:00 a.m. NSF/NCAR Oceanographic Relations—Air Sea Interactions, Coupling, Computing Needs, Long-range aircraft, other—Bierly/Gross/Hess

11:00 a.m. Tour of Selected NCAR Facilities and Programs—Hess/Serafin

1:00 p.m. Lunch—Cafeteria

1:30 p.m. Approval of Draft minutes from ACAS meeting of October 29-31, 1980—Dessler

1:35 p.m. Discussion of Reports reviewing Solar Terrestrial and Meteorology Programs—Intrilligator/Changnon

1:45 p.m. Budget Discussion including update of National Scientific Balloon Facility—Bierly

2:00 p.m. Discussion on "Exciting Research"—Dessler/Wallace

3:00 p.m. Status of Manpower—Bierly

3:30 p.m. Coffee Break

3:45 p.m. Discussion on Long-range Plans for ATM Science and Facilities (Instrumentation)—Dessler/Bierly

5:30 p.m. Meeting recessed to April 10, 1981@ 8:30 a.m.

April 10, 1981

8:30 a.m. Information Items and Update—Dessler

—NSBF Advisory Committee Meeting—Peacock

—Phase II of Master Grant Experiment—Greenfield/Peacock

—Support to National Academy of Sciences—Greenfield/Peacock

—NAS Report on Solar Terrestrial Research in 80's—Intrilligator

—Creativity Grants—Fein/Taylor

—ATM Program Review/Issues—Greenfield

—CCOPE Status—Dirks

9:30 a.m. UCAR Activities—White

10:15 a.m. Coffee Break

10:30 a.m. NCAR Update—Hess

11:15 a.m. Program for Fall ACAS meeting—Dessler

—Date

—Subcommittees for Review of Programs—Atmospheric Chemistry, Experimental Meteorology and Climate Dynamics

—Other Items

12:00 Noon Adjournment/Lunch

1:00 p.m. Meetings of ACAS members with NSF, UCAR, and/or NCAR staff members—Individual Discretion

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1981.

[FR Doc. 81-7795 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

Budget Review; Meeting

The National Science Foundation announces an *ad hoc* meeting of representatives of the scientific community and the NSF Director and staff regarding issues of concern to the National Science Foundation and the National Science Board. The purpose of the meeting is to review the Foundation's FY 1981 and FY 1982 budgets and the Foundation's organizational structure.

Although this *ad hoc* discussion does not constitute a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-463), the meeting will be open to public attendance and observation.

The meeting will be held in Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550, on Saturday, April 4, 1981, from 9 a.m. to 5 p.m.

For additional information, please contact Ms. Margaret L. Windus, Special Assistant to the Director, National Science Foundation, Room 518, 1800 G Street, NW, Washington, D.C. 20550. Telephone: (202) 357-9420.

Dated: March 4, 1981.

Margaret L. Windus,
Special Assistant to the Director, National
Science Foundation.

[FR Doc. 81-7700 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

**Environmental Biology Advisory
Committee, Subcommittee on
Ecological Sciences; Meeting**

In accordance with the Federal
Advisory Committee Act, as amended,
Pub. L. 92-463, the National Science
Foundation announces the following
meeting:

Name: Subcommittee on Ecological Sciences
of the Advisory Committee for
Environmental Biology.

Date and Time: April 9 and 10, 1981; 8:30 a.m.
to 5:00 p.m. each day.

Place: Room 338, National Science
Foundation, 1800 G St. NW., Washington,
D.C. 20550.

Type of Meeting: Closed.

Contact Persons: Dr. David W. Johnston,
Program Director, Ecology Program, (202)
357-9734, and Dr. W. Franklin Harris,
Program Director, Ecosystem Studies
Program, (202) 357-9596, Room 338,
National Science Foundation, Washington,
D.C. 20550.

Purpose of Subcommittee: To provide advice
and recommendations concerning support
for research in ecological sciences.

Agenda: To review and evaluate research
proposals and projects as part of the
selection process for awards.

Reason for Closing: The proposals being
reviewed include information on a
proprietary or confidential nature,
including technical information; financial
data, such as salaries; and personal
information concerning individuals
associated with the proposals. These
matters are within exemptions (4) and (6)
of 5 U.S.C. 552b(c), Government in the
Sunshine Act.

Authority to Close Meeting: This
determination was made by the Committee
Management Officer pursuant to provisions
of Section 10(d) of Pub. L. 92-463. The
Committee Management Officer was
delegated the authority to make such
determinations by the Director, NSF, on
July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator,
March 10, 1981.

[FR Doc. 81-7797 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

**Physiology, Cellular and Molecular
Biology Advisory Committee;
Subcommittee on Biological
Instrumentation; Meeting**

In accordance with the Federal
Advisory Committee Act, as amended,
P.L. 92-463, the National Science
Foundation announces the following
meeting:

Name: Subcommittee on Biological
Instrumentation of the Advisory Committee
for Physiology, Cellular, and Molecular
Biology.

Date and Time: Thursday, and Friday, April
2nd and 3rd 1981 from 9:00 am to 5:00 pm

Place: Room 523, National Science
Foundation, 1800 G Street, NW.,
Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Robert W. Newburgh,
Section Head, Acting Program Director,
Biological Instrumentation Program, Room
325a Telephone: 202-357-7652.

Purpose of Subcommittee: To provide advice
and recommendations concerning support
for research instrumentation.

Agenda: To review and evaluate research
proposals as part of the selection process
for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature,
including technical information; financial
data, such as salaries; and personal
information concerning individuals
associated with the proposals. These
matters are within exemptions (4) and (6)
of 5 U.S.C. 552b(c), Government in the
Sunshine Act.

Authority to Close Meeting: This
determination was made by the Committee
Management Officer pursuant to provisions
of Section 10(d) of Pub. L. 92-463. The
Committee Management Officer was
delegated the authority to make such
determination by the Director, NSF, on July
6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator,
March 10, 1981.

[FR Doc. 81-7796 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

**Social and Economic Science Advisory
Committee, Subcommittee on History
and Philosophy of Science; Meeting**

In accordance with the Federal
Advisory Committee Act, as amended,
Pub. L. 92-463, the National Science
Foundation announces the following
meeting:

Name: Subcommittee on History and
Philosophy of Science Advisory Committee
for Social and Economic Science.

Date and Time: April 2nd, 3rd, and 4th, 1981:
9:00 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science
Foundation, 1800 G. Street, NW.,
Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald J. Overmann,
Associate Program Director, History and
Philosophy of Science Program, Room 312,
National Science Foundation, Washington,
D.C. 20550, telephone (202) 357-9877.

Purpose of Subcommittee: To provide advice
and recommendation concerning support
for research in History and Philosophy of
Science.

Agenda: To review and evaluate research
proposals as part of the selection process
for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature,
including technical information; financial
data, such as salaries; and personal
information concerning individuals
associated with the proposals. These
matters are within exemptions (4) and (6)
of 5 U.S.C. 552b(c), Government in the
Sunshine Act.

Authority To Close: This determination was
made by the Committee Management
Officer pursuant to provisions of Section
10(d) of Pub. L. 92-463. The Committee
Management Officer was delegated the
authority to make such determinations by
the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator,
March 10, 1981.

[FR Doc. 81-7798 Filed 3-12-81; 8:45 am]

BILLING CODE 7555-01-M

**Social and Economics Science
Advisory Committee, Subcommittee
for Sociology; Meeting**

In accordance with the Federal
Advisory Committee Act, Pub. L. 92-463,
the National Science Foundation
announces the following meeting:

Name: Subcommittee for Sociology of the
Advisory Committee for Social and
Economics Science.

Date and Time: March 29-30, 1981, Sunday—
9:30 a.m. to 5:30 p.m.; Monday—9:00 a.m.
to 4:00 p.m.

Place: National Science Foundation, 1800 G
St. NW., Washington, D.C., Room 338.

Type of Meeting: Closed.

Contact Person: James J. Zuiches, Program
Director for Sociology, Room 316, National
Science Foundation, Washington, D.C.
20550. Telephone: (202) 357-7802.

Purpose of Subcommittee: To provide advice
and recommendation concerning support
for research in the Sociology Program.

Agenda: To review and evaluate research
proposals and projects as part of the
selection process for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature,
including technical information; financial
data, such as salaries, and personal
information concerning individuals
associated with the proposals. These
matters are within exemptions (4) and (6)
of 5 U.S.C. 552b(c), Government in the
Sunshine Act.

Authority to Close Meeting: This
determination was made by the Committee
Management Officer pursuant to provisions
of Section 10(d) of Pub. L. 92-463. The
Committee Management Officer was
delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
March 10, 1981.

[FR Doc. 81-7799 Filed 3-12-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on March 27, 1981 at the Huntington-Sheraton Hotel (213/792-0266), 1401 Oak Knoll Avenue, Pasadena, CA. The Subcommittee will discuss the future test program of the Loss of Fluid Test (LOFT) facility.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, March 27, 1981—8:30 a.m.
until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehmert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 10, 1981.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-7878 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

Degraded Cooling Steering Group, Availability of Meeting Minutes

The Commission is making available, for public inspection, the meeting minutes of the Degraded Cooling Steering Group.

On October 15, 1980, a steering group of senior line managers was formed to provide a better mechanism for coordinating related licensing and research activities of the rulemaking actions associated with siting, minimum engineered safety features, degraded core cooling, and emergency planning.

Steering group meeting minutes are available for examination by all interested persons in the NRC Public Document Room at 1717 H Street, Washington, D.C.

Dated at Bethesda, Md., this 3d day of March 1981.

For The Nuclear Regulatory Commission,
William J. Dircks,
Executive Director for Operations.

[FR Doc. 81-7879 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

Nuclear Regulatory Commission Advisory Committee on Reactor Safeguards; Subcommittee on Class 9 Accidents; Change of Time

The ACRS Subcommittee on Class 9 Accidents will hold a meeting on March 24, 1981. The meeting time has been changed to 1:00 p.m. in Room 1046 at 1717 H Street, N.W., Washington, DC instead of 8:30 a.m.

All other items regarding this meeting remain the same as announced in the

Federal Register published Monday, March 9, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Gary Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 10, 1981.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-7877 Filed 3-12-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company (the licensee), which revised the license and Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment adds two License Conditions and changes the Technical Specifications to incorporate additional requirements as a result of reviews and modifications accomplished to satisfy the Category "A", TMI-2 Lessons Learned recommendations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated October 31, 1980, (2) Amendment No. 20 to Facility Operating License No. NPF-6, and (3) the related letter dated March 3, 1981. These items are available for public inspection at the

Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1981.

For The Nuclear Regulatory Commission.
Robert A. Clark,
*Chief, Operating Reactors Branch No. 3,
 Division of Licensing.*

[FR Doc. 81-7968 Filed 3-12-81; 9:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

**Arkansas Power and Light Co.;
 Arkansas Nuclear One, Unit 2;
 Issuance of Amendment to Facility
 Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF-6 issued to Arkansas Power and Light Company for Operation of Arkansas Nuclear One, Unit 2 (the facility) located at the licensee's site in Pope County, Arkansas. The amended license is effective as of its date of issuance.

The amendment provides further clarification of the term OPERABLE, employed in the facility Technical Specifications, as it applies to the single failure criterion for safety systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 13, 1980, (2) Amendment No. 19 to Facility Operating License No. NPF-6, and (3) the

Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1981.

For the Nuclear Regulatory Commission.
Robert A. Clark,
*Chief, Operating Reactors Branch No. 3,
 Division of Licensing.*

[FR Doc. 81-7969 Filed 3-12-81; 9:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10]

**Commonwealth Edison Co.; Extension
 of Completion Date**

By letter dated February 17, 1981, Commonwealth Edison Company (the licensee) requested that the U.S. Nuclear Regulatory Commission (the Commission) grant an extension for installation of fire protection modifications at Dresden Nuclear Power Station, Unit No. 1, located in Grundy County, Illinois.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated February 17, 1981, and (2) the Director's letter to the licensee dated March 6, 1981.

Dated at Bethesda, Maryland, this sixth day of March 1981.

For the Nuclear Regulatory Commission.
Harold R. Denton,
*Director, Office of Nuclear Reactor
 Regulation.*

[FR Doc. 81-7870 Filed 3-12-81; 9:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

**Duquesne Light Company et al.;
 Issuance of Amendment to Facility
 Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power

Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to reflect installation of undervoltage relays as protection against a sustained undervoltage condition.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 14, 1980 (supported with information from letters September 15 and November 11, 1976; July 22 and August 22, 1977; January 18, March 7, September 4, and October 15, 1979; January 17, February 22 and July 24, 1980), (2) Amendment No. to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 3rd day of March 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
 Division of Licensing.*

[FR Doc. 81-7871 Filed 3-12-81; 9:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

**Maine Yankee Atomic Power Co.;
Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which added a license condition and revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment adds a license condition to require a Secondary Water Chemistry Monitoring program and revises the Technical Specifications to allow steam generator tube leakage of 1 gpm, and add a low temperature overpressurization surveillance requirement.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1977, September 13, 1979 and October 16, 1979, (2) Amendment No. 53 to License No. DPR-36, and (3) the Commission's related letter dated February 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 27th day of February 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-7872 Filed 3-12-81; 8:40 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

**Metropolitan Edison Co., et al.;
Availability of Final Programmatic
Environmental Impact Statement for
Decontamination of Three Mile Island
Nuclear Station, Unit 2**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Programmatic environmental Impact Statement (PEIS) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed decontamination and disposal of radioactive wastes resulting from the March 28, 1979, accident at Three Mile Island Nuclear Station, Unit 2, located in Dauphin County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the local public document room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. The Final PEIS is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Tri-County Regional Planning Commission, Shore Drive Office Center, Building No. 2, Suite 221, 2001 North Front Street, Harrisburg, Pennsylvania 17102.

The notice of availability of the Draft PEIS for the decontamination of Three Mile Island Nuclear Station, Unit 2, and request for comments from interested persons was published in the *Federal Register* on August 15, 1980 (45 FR 54494). The comments received from Federal, State, and local agencies and interested members of the public have been included as Appendix A to the Final PEIS.

Copies of this 2-volume Final Environmental Statement (Document No. NUREG-0683) may be purchased, at \$10 per volume, directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530.

Copies are also available for purchase through the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 9th day of March 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,
Program Director, Three Mile Island Program
Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7873 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

**Rochester Gas and Electric Corp.;
Issuance of Amendment to Provisional
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates technical specifications regarding minimum water level above the reactor vessel flange during refueling operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized November 12, 1980 (transmitted by letter dated November 17, 1980), (2) Amendment No. 36 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for

public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this second day of March, 1981.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,

Chief Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 81-7074 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Browns Ferry Nuclear Power Plant, Units Nos. 1, 2 and 3; Request for Action

Notice is hereby given that by letter dated October 28, 1980, the Huntsville Chapter of the Safe Energy Alliance of Alabama requested that the Director of Nuclear Reactor Regulation reconsider issuance of certain amendments to the facility operating licenses for the Browns Ferry Nuclear Plant Units 1, 2 and 3 which permitted temporary storage of low-level radioactive waste at the Browns Ferry site. The Alliance's letter is being treated as a request for action under 10 CFR 2.206 and, accordingly, a decision will be made within a reasonable time.

Copies of the Alliance's letter are available for public inspection in the Commission's public document room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

Dated at Bethesda, Maryland, this 6th day of March 1981.

For the Nuclear Regulatory Commission,
Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-7875 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-77, issued to

Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment changed the minimum ice mass inventory in the ice condenser from 2,721,950 pounds to not less than 2,333,100 pounds and changed the minimum ice weight of the sample baskets from 1,400 pounds per basket to not less than 1,200 pounds per basket.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need to be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters, dated December 31, 1980 and March 4, 1981, (2) Amendment No. 4 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 4 may be obtained upon request addressed to the Q. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 6th day of March 1981.

For the Nuclear Regulatory Commission,

A. Schwencer,
Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-7879 Filed 3-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 17614; SR-CBOE-80-20]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1981.

On July 31, 1980, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which revises its procedures with respect to trading rotations which extend beyond 3:10 p.m. (Chicago time). Among other things, the proposed rule change will permit only one trading rotation to be conducted after 3:10 p.m., and would preclude the initiation of such a trading rotation until ten minutes after news of the rotation is disseminated.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-1704, August 8, 1980) and by publication in the *Federal Register* (45 FR 55308, August 19, 1980). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 8.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7919 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11677; 812-4797]

Trust for Cash Management; Filing of Application

March 10, 1981.

Notice is hereby given that Trust for Cash Management ("Applicant") 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, an open-end,

diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 7, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a business trust organized and existing under the laws of the State of Massachusetts. Applicant has filed with the Commission a Registration Statement on Form N-1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended (the "1933 Act"). The 1933 Act Registration Statement on Form N-1 has not yet been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares. Applicant states that Advisers Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc., acts as investment adviser to Applicant.

Applicant states that it is a "money market fund" designed as an investment vehicle for investors with temporary cash balances or cash reserves. Applicant further states that its investment objective is to provide stability of principal and current income for its investors. To realize this objective Applicant's portfolio may be invested in a variety of money market instruments, including U.S. treasury bills, all other marketable obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities ("U.S. government obligations"), instruments of banks which are members of the Federal Deposit Insurance Corporation ("FDIC") or of savings and loan associations which are members of the Federal Savings and Loan Insurance Corporation ("FSLIC") (such as certificates of deposit, demand and time deposits, savings shares and bankers' acceptances, repurchase agreements and prime commercial paper, including variable amount demand master notes). Applicant states that it will not invest in instruments issued by banks or savings and loan associations unless: (a) at the time of investment such financial institutions have capital, surplus and undivided profits in excess of \$100,000,000 as of the date of their most recently published financial statements; or (b) the principal amount of the

instrument is insured in full by the FDIC or the FSLIC. Applicant further states that to the extent that it invests in Eurodollar certificates of deposit issued by foreign branches of domestic U.S. banks, consideration will be given to their domestic marketability, the lower reserve requirements normally mandated for overseas banking operations and the possible impact of interruptions in the flow of international currency operations. Applicant also states that its rated commercial paper investments will be limited to commercial paper rated A-1 by Standard & Poor's Corporation ("S&P"), P-1 by Moody's Investors Service, Inc. ("Moody's"), or F-1 by Fitch's Investors Service. Applicant also states it may also purchase U.S. government obligations on a when-issued or delayed delivery basis.

Applicant represents that it has been the experience of its Board of Trustees ("Management") in the operation of money market funds in general, that two features of a money market fund are of particular importance to investors: (1) stability of principal, and (2) a steady flow of predictable and competitive investment income. Applicant asserts that by holding high quality money market instruments having short maturities valued in accordance with the amortized cost method, these qualities can be provided. Applicant states that money market fund investors are not concerned with the theoretical differences that might occur between yield determined by "marking to market" and yield computed by using the amortized cost method. Applicant states that such investors will, however, insist that the daily income declared by a money market fund reflect income as earned using the amortized cost method and that it not exhibit the volatility which may occur when changes in so-called "market" prices cause unreal and artificial changes in yield on a daily or weekly basis.

Applicant represents that Management has determined from experience that an average portfolio maturity of 120 days achieves both the objective of obviating the possibility of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and that of providing yield on portfolio instruments commensurate with yields available in the general money market, which is not otherwise available with a portfolio of shorter duration. In addition, Applicant states that the experience of Management in managing the fund has been that, given the unique nature of its policies and

operations, there is a negligible discrepancy between prices obtained by the use of the amortized cost method and those determined by a theoretical or synthetic market valuation method using matrices or other mechanical devices. Thus, Management has determined in good faith that in light of the foregoing factors and its particular characteristics, the amortized cost method of valuation of portfolio instruments is appropriate and preferable. It is represented that Management has further determined that it will continuously monitor valuations indicated by other methods and has directed its Executive Committee to make reports to Management to enable Management to make any changes in method which may be necessary to assure that the method of valuation being used is fair value in view of all pertinent factors.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 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 purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio

instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9788, May 31, 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 of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that to the extent that its proposed use of the amortized cost method may be deemed not to comply with Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, it is requesting exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

Applicant submits that the issuance of the requested order is consistent with the exemptive standards of Section 6(c) of the Act. Applicant represents, for example, that by not purchasing any instrument with a remaining maturity of greater than one year and by maintaining a dollar-weighted average portfolio maturity not exceeding 120 days, Applicant believes that it can achieve its objectives of stability of principal and steady flow of investment income satisfactory to its investors and yet provide adequate investor protection. However, in order to enhance investor protection, Applicant expressly consents to issuance of the requested order on the basis of the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Management 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 Management shall be the following:

(a) Review by Management, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that Management will promptly consider what action, if any, should be initiated by it.

(c) Where Management believes the extent of any deviation from the \$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 the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by Management in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest 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.

(the first two years in an easily accessible place) a written record of Management's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Management's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as 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 Management 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 Management.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than April 3, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7920 Filed 3-12-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17612; File Nos. SR-BSE-81-2, SR-NYSE-81-8, SR-PSE-81-2, SR-PSE-81-3, and SR-Phlx-81-5]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc., et al.

Proposed rule change by Boston Stock Exchange, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc., relating to a trade-through rule. Comments requested on or before April 3, 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 26, March 2, March 4, and March 5, 1981, the Pacific Stock Exchange, Inc. ("PSE"), Boston Stock Exchange, Inc. ("BSE"), New York Stock Exchange, Inc. ("NYSE") and Philadelphia Stock Exchange, Inc. ("Phlx"), respectively, filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which items have been prepared by the self-regulatory organizations. The Commission is publishing this notice¹ to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of Terms of Substance of the Proposed Rule Changes

The BSE, NYSE, PSE, and Phlx have all proposed adopting rules regarding ITS "Trade-Throughs" and "Locked Markets."

The provisions of the proposed rules specify that a member shall avoid initiating a trade-through for any ITS Eligible Listed Security, with the exception that a member may be relieved of this obligation should an applicable condition described in the rule occur.

In the event that a trade-through occurs the proposed rules place the responsibility on the party who initiated the trade-through to respond as promptly as practical to the aggrieved party's complaint. The member is to notify the aggrieved party that either the

member was relieved of his obligation under an applicable condition described in the rule or that the complaint is valid and corrective action is being taken pursuant to the rule.

The procedures for corrective action vary depending upon whether the broker-dealer initiating the trade-through ("initiating broker-dealer") and the broker-dealer representing the *contra* side ("*contra* broker-dealer") are executing orders which originated from off the floor. In the event that both the initiating and *contra* broker-dealers were acting for their own account, the trade-through would be cancelled and removed from the consolidated transaction reporting system ("*consolidated system*"). If, on the other hand, either the initiating or *contra* broker-dealer was executing (in whole or in part) an order which originated from off the floor, one of the following two alternative procedures would be required:

(i) the initiating broker shall "satisfy, or cause to be satisfied, the bid or offer traded through in its entirety at the price of such bid or offer" or

(ii) the initiating and *contra* side broker-dealers shall correct the price of their transaction to a price at which the trade-through would not have occurred ("*adjusted price*"), and the price correction shall be reported in the consolidated system.

Regardless of which corrective procedure is followed, the initiating broker-dealer also would be required to assure that the off-floor orders that were executed in the transaction which constituted the trade-through receive the price which caused the trade-through; the price at which the bid or offer traded-through was satisfied, if it was satisfied; or the adjusted price, if there was an adjustment; whichever of those prices is most beneficial to that order.

The proposed rule also provides that if a member makes a bid for an ITS Security on the Exchange and causes a locked market with another ITS participating market center, the member shall send a commitment to trade to such other market center seeking the offer he has equalled or exceeded, which commitment shall be for either the number of shares he has bid or for the number of shares offered on the other market center, whichever is less. The same principle shall apply to a member who makes an offer for an ITS Security on the Exchange and causes a locked market with another ITS participating market center. This provision is subject of exceptions listed in the proposed rule.

All the rule filings² also propose an ITS block trade policy on satisfying better priced displayed bids and offers. The policy provides that a member executing a block trade in an ITS Eligible Security, at a price outside the "best" quotation for the security displayed by any ITS participating market, must commit to satisfy superior displayed bids or offers on other ITS market centers, at the block print price. The policy defines block transaction as 10,000 or more shares or securities with a market value of at least \$200,000.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the self-regulatory organizations included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizations prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes.

The provisions of the rules were arrived at through a joint agreement of the ITS participating market centers and adopted to protect market orders as much as possible from executions at price inferior to prices which exist on other market centers.

The statutory basis for the adoption of the trade-through rules is found in Sections 6(b)(5) and 11A(a)(1)(C), in that they are designed to facilitate transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; encourage brokers to seek out and obtain execution of customer orders in the best market; and, in general, protect investors and the public interest.

(B) Self-Regulatory Organizations' Statement on Burden on Competition.

The BSE, NYSE, PSE and Phlx do not believe that any burdens would be placed on competition by the proposed rule changes. Rather they believe that competition among ITS participating market centers would be encouraged.

¹Because the substantive content of the proposed rule changes is virtually identical in all of the filings, a single notice is being published. See also, SR-MSE-81-1, SEC Release No. 34-17579 (February 26, 1981).

²The PSE submitted its block trade policy as a separate proposed rule change, under Rule 19b-4. See File No. [SR-PSE-80-03] submitted on February 27, 1981.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others.

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes 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 rule 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, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the appropriate file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7802 Filed 3-12-81; 8:43 am]

BILLING CODE 8010-01-M

[Release No. 34-17608; File No. SR-MSE-81-2]

Self-Regulatory Organizations; Proposed Rule Change By Midwest Stock Exchange, Inc.

Proposed rule change by Midwest Stock Exchange, Inc., relating to short sales of a security. Comments requested on or before April 3, 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 26, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article XX, Rule 8 has been amended as follows:

Additions Italicized—[Removals Bracketed] Remove .06 in its entirety.

.06 *All offerings shall be executed in accordance with applicable short sales rules:*

EXAMPLE: MSE Market in XYZ—43¼–43½ (short) NYSE Market in XYZ—43¾–43⅞ Consolidated tape last sale—43¾ The MSE offering at 43½ may be filled at its limit price subsequent to a Consolidated Tape sale at 43¾ provided that the offering was equal to or above the last sale on the Consolidated Tape at the time it was first communicated.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(1) The purpose of the proposed rule change is to eliminate the potential conflict between the operation of Rule 10a-1 and the "firmness requirement" of

the Quote Rule in situations where execution of an offer would be rendered unlawful because of a subsequent trade through even though the offer had been at a price permitted under Rule 10a-1 at the time when that market maker, specialist, or broker-dealer had communicated it to the Exchange for inclusion in the Consolidated Quotation System.

(2) The statutory basis for the adoption of the proposed rule change is found in 6(b)(5) and 19(g)(1) of the 1934 Act.

The proposed rule change like the Commission's amendments made to Rule 10a-1 further the public interest, the protection of investors, and the maintenance of fair and orderly markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather, it believes that it will encourage the linking of all markets in the development of a National Market System.

(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 Rule, Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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 rule change that are filed with the Commission, and all written

communications relating to the proposed rule 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 submission should refer to the file number in the caption above and should be submitted on or before April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

March 9, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-7803 Filed 3-12-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17607; File No. SR-PSE-81-04]

**Self-Regulatory Organizations;
Proposed Rule Change by the Pacific
Stock Exchange, Inc.**

Proposed rule change by the Pacific Stock Exchange, Inc., relating to eligibility for membership on the Pacific Stock Exchange.

Comments requested on or before April 3, 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 27, 1981, The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items 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. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Article VI, Section 1, of its Constitution. The text of the amended Article is set forth below. (Italics indicate new language and brackets indicate removals.)

Eligibility

Sec. 1. Membership in this Exchange shall be limited to individuals who must be at least [twenty-one (21) years of age,] *the* minimum age of majority required to be responsible for his contracts in each jurisdiction in which

he conducts business and whose [chief] *principal* business purpose is that of transacting business as a broker or dealer in securities.

**II. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for the Proposed Rule
Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**(A) Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

The purpose of the proposed rule change is to remove unnecessary restrictions on the ability of persons to become members or become associated with members of the Exchange.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b) (2) of the Act, in particular, in that it would enhance the ability of persons to become members of the Exchange.

**(B) Self-Regulatory Organization's
Statement on Burden on Competition**

The proposed rule change will promote competition by removing unnecessary restrictions on the ability of persons to become members of the PSE. The proposed rule change will not impose any burden on competition.

**(C) Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received From
Members, Participants or Others**

Comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the
Proposed Rule 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 rule 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 rule change that are filed with the Commission, and all written communications relating to the proposed rule 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 April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

March 9, 1981.

[FR Doc. 81-7804 Filed 3-12-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17589; File No. SR-PHLX 81-3]

**Self-Regulatory Organizations;
Proposed Rule Change by Philadelphia
Stock Exchange, Inc.**

Proposed rule change by Philadelphia Stock Exchange, Inc., relating to Increase of Annual Fee Charged to members Working on Equity Trading Floor for Use of Trading Post Space. Comments requested on or before April 16, 1981.

Pursuant to Section 19(c)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 6, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items 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. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting an increase in the annual fee charged to members for use of trading post space on the Equity Trading Floor.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed fee increase is to offset in part the increased costs of supplying trading post space and other services provided by PHLX. These services include manpower, automation, utilities and other costs associated with providing a market place for the trading of securities.

The current fee charged for the use of such space on the Equity Trading Floor has not been increased since 1975, although the average annual increase of expenses over that period has been 30.7%. In addition, the fee charged to members on the Options Trading Floor for the use of their trading post space is currently \$1,000.

The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The fee change is not expected to create a burden on competition.

(c) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PHLX has not solicited or received any comments on this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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 rule change that are filed with the Commission, and all written communications relating to the proposed rule 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 April 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

February 27, 1981.

[FR Doc. 81-7805 Filed 3-12-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 14 and 15, 1981.

FOR FURTHER INFORMATION CONTACT:

Karen Carolan, T.C.E.V, 1111 Constitution Avenue, NW., room 5547, Washington, D.C., 20224, Telephone No. (202) 566-6143 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on April 14 and 15, 1981, beginning at 10:00 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in Federal Income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the *Federal Register* for Wednesday, November 8, 1978. (43 FR 52122.)

William E. Williams,
Acting Commissioner.

[FR Doc. 81-7852 Filed 3-12-81; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards

The Veterans Administration gives notice pursuant to Public Law 92-463 of the meetings of the following Merit Review Boards: Meetings

Merit review board	Date	Time	Location
Immunology	Mar. 30, 1981	8 a.m. to 5 p.m.	Assembly Room, Hotel Washington, ¹
Do	Mar. 31, 1981	do	Do
Gastroenterology	Apr. 2, 1981	do	Room 334, Hotel Washington
Nephrology	Apr. 6, 1981	do	Caucus Room, Hotel Washington.
Behavioral sciences	Apr. 9, 1981	do	Council Room, Hotel Washington.
Do	Apr. 10, 1981	do	Do.
Endocrinology	Apr. 16, 1981	do	Caucus Room, Hotel Washington.
Neurobiology	Apr. 16, 1981	do	Assembly Room, Hotel Washington.
Do	Apr. 17, 1981	do	Do.
Alcoholism and drug dependence	Apr. 21, 1981	do	Caucus Room, Hotel Washington.
Respiration	Apr. 24, 1981	8:30 a.m. to 5 p.m.	Council Room, Hotel Washington.
Oncology	Apr. 29, 1981	do	Sheraton-Washington Hotel. ²
Basic sciences	Apr. 30, 1981	8 a.m. to 5 p.m.	Room 315, Sherry Towers Hotel. ³
Do	May 1, 1981	do	Do.
Hematology	May 4, 1981	do	Caucus Room, Hotel Washington.
Infectious diseases	May 5, 1981	8:30 a.m. to 5 p.m.	Do.
Do	May 6, 1981	8 a.m. to 1 p.m.	Do.
Cardiovascular studies	May 7, 1981	8 a.m. to 5 p.m.	Do.
Surgery	May 11, 1981	do	Room 315, Sherry Towers Hotel.

¹ Hotel Washington, 15th and Pennsylvania Ave. NW, Washington, D.C. 20004.
² Sheraton-Washington Hotel, 2660 Woodley Rd., NW, Washington, D.C. 20008.
³ Sherry Towers Hotel, 2117 E St., NW, Washington, D.C. 20037.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the room at the start of each meeting to

discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination,

reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding research projects. Closure of these meetings is in accordance with subsection 10(d) of Public Law 92-463, as amended by Public Law 94-409, and as cited in 5 U.S.C. 552b(c)(6) and (9)(B).

The appearance of this notice in the **Federal Register** at least 15 days prior to the first meeting listed, has been hindered due to delays in administrative processing.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Merit Review Board Staff Division, Medical Research Service (151D), Veterans Administration, Washington, DC 20420, (202) 389-5065, at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: March 9, 1981.
Rufus H. Wilson,
Acting Administrator.
 [FR Doc. 81-7883 Filed 3-12-81; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 40, No. 49

Friday, March 13, 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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	<i>Items</i>
Federal Maritime Commission.....	1

1

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., March 18, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.

2. Agreement No. 10398: Mayan Line and Consolidadora del Caribe, S.A. Space Charter Agreement.

3. Agreement No. 10333-2: Modification of the Calcutta/Bangladesh/U.S.A. Pool Agreement providing for appointment of a pool accountant and realignment of pool shares.

4. Agreement No. 10374-1: Petition for clarification of Order of Conditional Approval.

5. Agreement No. 9522-43: Modification of the Med-Gulf Conference Agreement providing for authority with respect to empty containers and other equipment.

6. Agreement Nos. 2744-44, 10390, and 10391: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to eliminate Ecuador from its scope; establishment of the United States Atlantic & Gulf/Ecuador Freight Conference Agreement; and establishment of the United

States Florida/Ecuador Steamship Conference Agreement, respectively.

7. Agreement No. T-2745-1: Modification of lease between Canton Company of Baltimore and Puerto Rico Marine Management, Inc. to adjust rental payments and the property encompassed by the lease.

8. Docket No. 80-59: Time For Filing and Commenting On Certain Agreements—Review of comments submitted in response to notice of proposed rulemaking and proposed final rule.

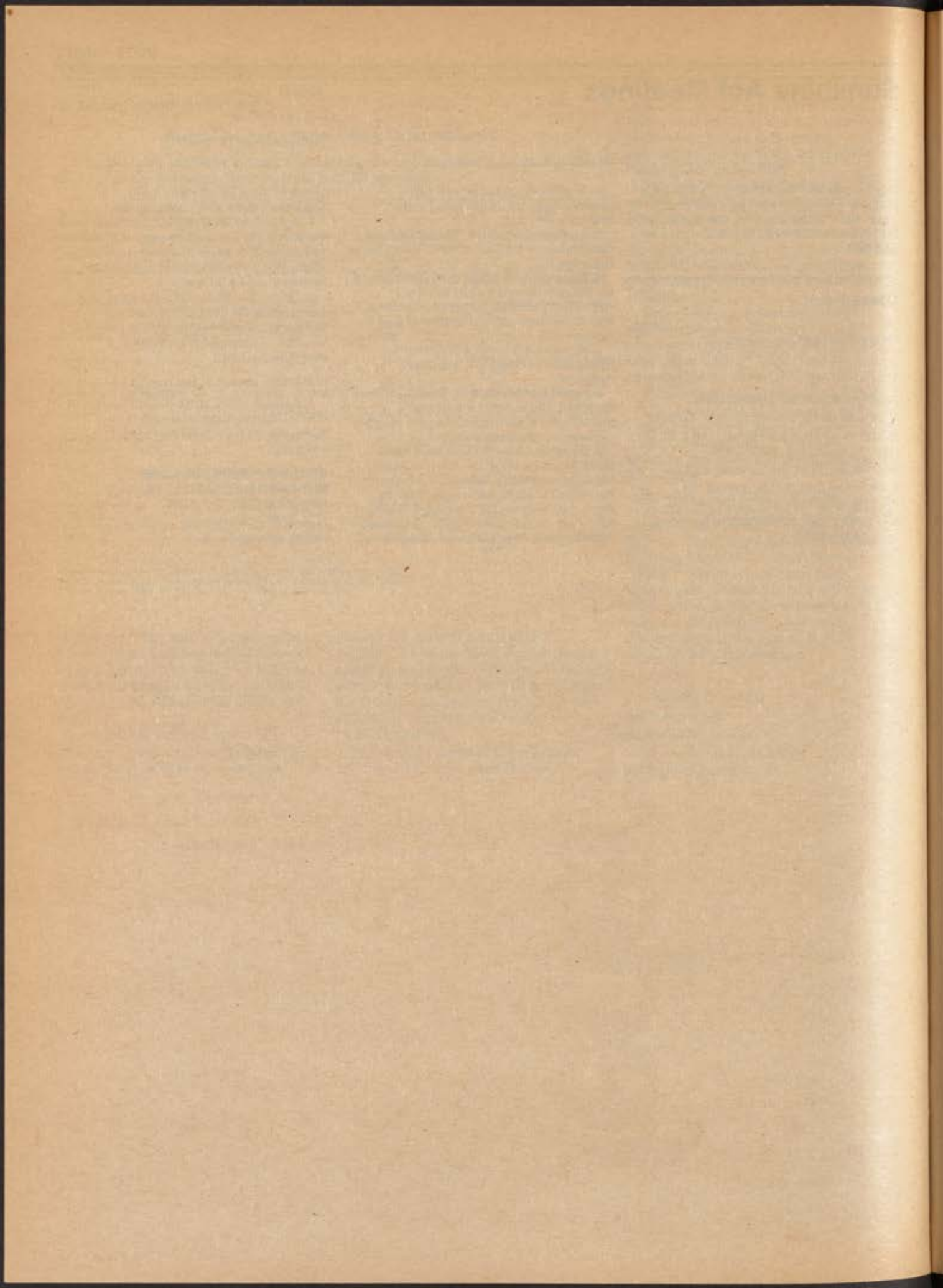
Portion closed to the public:

1. Agreement No. 10260-4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-406-81 Filed 3-11-81; 3:12 pm]

BILLING CODE 5730-01-M



federal register

Friday
March 13, 1981

Part II

Department of Labor

Wage and Hour Division, Employment
Standards Administration

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued

subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the *Federal Register* without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage

Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination
Decisions

None.

Modification to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the *Federal Register* are listed with each State.

Arkansas—AR80-4080, Oct. 31, 1980; AR80-4081, Nov. 7, 1980; AR80-4083, Oct. 31, 1980.

Connecticut—CT80-2074, Aug. 15, 1980. Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin—IL79-2062, July 6, 1979.

New York—NY80-3020, Apr. 4, 1980; NY80-3049, Aug. 29, 1980; NY80-3057, Sept. 19, 1980; NY81-3003, Jan. 23, 1981.

Texas—TX80-4099, Dec. 5, 1980.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the *Federal Register* are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois, Indiana, Kentucky, Missouri, Ohio & West Virginia—IL80-2018 (IL81-2004), Mar. 26, 1980.

Nebraska—NE81-4012 (NE81-4014), Feb. 13, 1981; NE80-4075 (NE81-4014), Sept. 20, 1980.

Cancellation of General Wage
Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determinations:

TN77-11120—Coffee County, Tennessee dated September 30, 1977 in 42 FR 52880—Building Construction

TN77-1100—Carroll, Dyer, Gibson, Henry, Lake, Obion and Weakley Counties, Tennessee dated August 12, 1977 in 42 FR 41094—Building Construction

TN79-1008—Bradley County, Tennessee dated January 5, 1979 in 44 FR 1668—Building Construction

TN79-1009—Madison County, Tennessee dated January 5, 1979 in 44 FR 1689—Building Construction

TN79-1010—Rutherford County, Tennessee dated January 5, 1979 in 44 FR 1689—Building Construction

Signed at Washington, D.C., this 6th day of March 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 2

DECISION NO. CT80-2074 - MOD. #4 (45 FR 54602- August 15, 1980) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: ASBESTOS WORKERS: New London Co.: Griswold, LeGard, Lisbon, N. Stonington, Preston, Stonington & Voluntown	13.18	1.45	1.63		
ELECTRICIANS: New Haven Co.: Milford Hartford Co.: Suffield, & Enfield (portion of Thompsonville West of George Washington Road & North of Hazard Ave)	13.05	1.10	38+1.05		1/4
GLAZIERS: New Haven Co., Except Wallingford	13.28	.85	38+.40		.03
- LINE CONSTRUCTION Linemen Equipment Operators Driver Groundman	12.33	1.10	.47		K
PLUMBERS: Hartford Co.: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, E. Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Mariborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, Windsor Locks, Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Baddan, Maromas (Atomic River Project), Middle-	13.50 11.55 10.35	.70 .70 .70	38+.75 38+.75 38+.75		O O O

MODIFICATION PAGE 1

DECISION #A880-4080 - Mod. #6 45FR72439 - October 31, 1980 Jefferson County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: ELECTRICIANS: Electricians Cable splicers	\$13.05 13.175	.55 .55	38+1.35 38+1.35		1/4 1/4
DECISION #A880-4081 - Mod. #5 45FR7432 - November 3, 1980 Sebastian, Crawford and Washington Counties, Arkansas	\$13.77 14.02	.50 .50	38+5.58 38+5.58		1/4 1/4
CHANGE: ELECTRICIANS: Electricians Cable splicers	\$13.05 13.175	.55 .55	38+1.35 38+1.35		1/4 1/4
DECISION #A880-4083 - Mod. #5 45FR72438 - October 31, 1980 Pulaski County, Arkansas					

DECISION NO. CT80-2074 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
STEAMFITTERS: CONT'D Chester, Cromwell, Deep River, E. Soddan, Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union Vernon, & Wallington	13.57	1.16	1.51		.13
TILE, MARBLE, TERRAZZO FINISHERS	9.55	.50	.50		

DECISION NO. CT80-2074 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLUMBERS: CONT'D field, Middletown, & Portland, Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union Vernon, & Wallington	12.76	1.10	1.39		.15
PLUMBERS & STEAMFITTERS New Haven Co.: Milford Middlesex Co.: Clinton, Killingsworth, S. Westbrook; New Haven Co.: Branford, Derby, E. Haven, Orange, W. Haven, & Woodbridge	13.34	.75	.80	48	.01
ROOFERS: New Haven Co.: Ansonia, Beacon Falls, Bethany, Brandford, Derby, E. Haven, Guilford, Harden, Madison, Milford, Middlebury, Naugatuck, New Haven, N. Branford, N. Haven, Orange, Oxford, Seymour, Union City, W. Haven & Woodbridge	13.90	.75	.90	t	.07
STEAMFITTERS: Bartford, Co.: Aven Bloomfield, Burlington, Canton, E. Granby, E. Bartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Bartford, Wethersfield, Windsor, & Windsor Locks; Middlesex Co.:	13.15	1.35	.45		

MODIFICATION PAGE 6

DECISION NO. IL79-2062 - MOD. #3 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Dipper & Hydraulic Dredging: Chief Engineer	\$ 16.51	.63	.50	a	
Operator	16.38	.63	.50	a	
Assistant Engineers Cranemen & Welder, Dipper & Hydraulic Dredging, Spill Barge Operator	15.82	.63	.50	a	
	15.70	.63	.50	a	

MODIFICATION PAGE 5

DECISION NO. IL79-2062 - MOD. #3 (44 FR 39904 - July 6, 1979) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Tug Engineers	\$ 14.76		.80	a	
Tug Operator-on Launch	14.34		.80	a	
Tug Workers: Fireman, Linemen, Oilers, Deckhands, Scowmen (on/or with Tugboats, Launches or other self-propelled Boats)	13.16	b	.75	.75+d	
Dredge Workers: Firemen, Oiler, Deck- hands and Scowmen (with Dipper Dredges, Hydraulic Dredges or other Floating Equip- ment engaged in Dredg- ing Operations); Pipe- line Men (both afloat and ashore, including loading and unloading installing maintaining and handling Pipelines for Hydraulic Dredges and Sandboats)	13.16	b	.75	.75+d	
Range and Sweepmen, Service Truck Drivers	10.07	b	.75	.75+d	

SUPERSEDES DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
 DECISION NUMBER: 11-81-2004 DATE: Date of Publication
 SUPERSEDES DECISION NO. 1180-2018 dated March 28, 1980 in 45FR 30650
 DESCRIPTION OF WORK: Dredging of the Illinois River between Miles
 0.0 and 80.0; the Ohio River between Miles 950.0 and 127.0; the
 UPPER MISSISSIPPI River between Miles 0.0 and 195.0; and the
 Kaskaskia River from the mouth to Favetttsville, Illinois.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
AREA I Within the geographical jurisdiction of the St. Louis District, Corps of Engineers. Levamen, Engineer, Mechanic and Boatman Oiler	\$12.50 10.12	1.11 1.11	1.51 1.51		
AREA II Within the geographical jurisdiction of the Louisville District, Corps of Engineers Levamen, Engineer, Mechanic, and Boatman Oiler	12.38 9.21	1.11 1.11	1.51 1.51		
AREA III Within the geographical jurisdiction of the Hampton District, Corps of Engineers Levamen, Engineer, Mechanic, and Boatman Oiler	12.38 9.21	1.11 1.11	1.51 1.51		
AREA IV Within the geographical jurisdiction of the St. Paul District Corps of Engineers Levamen, Engineer, Mechanic, and Boatman Oiler	12.86 10.64	1.20 1.20	1.20 1.20		
AREA V Within the geographical jurisdiction of the Rock Island District Corps of Engineers Levamen, Engineer,					

MODIFICATION PAGE 7

DECISION NO. NY80-3020 - Mod. #3
 (45 FR 23262 - April 4, 1980)
 Bronx, Kings, Queens, New York
 & Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
Add: Laborers, Unskilled	10.65	1.80	1.85		
DECISION NO. NY80-3049 - Mod. #3 (45 FR 57932 - August 29, 1980) Ulster County, New York Change: Electricians Remainder of County	13.40	7.4%	3%+1.20	.70	5%
DECISION NO. NY80-3057 - Mod. #4 (45 FR 62672 - September 19, 1980) Bronx, Kings, Queens, New York, & Richmond Counties, New York Add: Laborers, Unskilled	10.65	1.80	1.85		
DECISION NO. NY81-3003 - Mod #2 (46 FR 7737 - January 23, 1981) Orange County, New York Change: Electricians Remainder of County	13.40	7.4%	3%+1.20	.70	5%
DECISION NO. TX80-4099 - MOD. #3 (45 FR 80640 - December 5, 1980) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas CHANGE: Building Construction: Power Equipment Ops.: Group 1	\$12.29		.55		.05

SUPRESEDEAS DECISION

STATE: NEBRASKA
 COUNTY: Douglas, Cass,
 Otoe and Sarpy
 DECISION NUMBER: NE81-4014
 Supersedes Decision Numbers NE81-4012 dated February 13, 1981 in 46 FR 12411;
 NE80-4075 dated September 26, 1980 in 45 FR 64056; and NE80-4022 dated
 April 4, 1980 in 45 FR 23260
 DESCRIPTION OF WORK: Building projects, including single family homes and
 apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
12.86	1.20	1.20		
10.64	1.20	1.20		
12.86	1.20	1.20		
10.64	1.20	1.20		

Mechanic, and Boatman
 Oiler

AREA VI
 Within the geographical
 jurisdiction of the Chicago
 District Corps of Engineers-
 Leveemen, Engineer,
 Mechanic, and Boatman
 Oiler

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$15.52	.70	.71		.03
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS, Stonemasons	12.36	.82	.60		.05
CARPENTERS:					
Carpenters	13.07	.82	.70		.05
Piledriversmen	13.205	.82	.70		.05
Millwrights	13.35	.82	.70		.05
CEMENT MASONS	12.85	.82	.90		
ELECTRICIANS - Douglas & Sarpy & Cass Cos.	14.71	.90	34-1.35		1/4 of 18
Residential (not to exceed 3 stories)	10.03	.90	34		1/4 of 18
ELECTRICIANS					
Otoe County	13.63	.75	34-1.00		.06
ELEVATOR CONSTRUCTORS	13.685	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS HELPERS	70&JR	1.195	.95	a	.035

FOOTNOTES:

A. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit. Also 7 paid holidays.

GLAZIERS	13.64	.90	.50		.01
IRONWORKERS	12.10	.85	1.00	1.00	.05
LABORERS:					
Common laborers	9.21	.85	.65	.65	.85
Buggymobile oprs., mortar mixers, mason tenders	9.375	.85	.65	.65	.85
Pipelayers	9.54	.85	.65	.65	.85
Plasterers tenders	9.585	.85	.65	.65	.85
LATHERS	9.95	.57	.50	1.00	1.00
MARBLE SETTERS, TILE AND Terrazzo workers	12.22	.30	.40		
MARBLE, Tile and Terrazzo Workers Finishers	9.60				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Painters: (Douglas, Cass, & Sarpy Cos.,)	\$11.65		.50		.05
Brush Structural steel and Paper-hangers	12.00		.50		.05
Spray, swing stage, hazardous and sandblasting	12.25		.50		.05
PAINTERS: (Otoe County)		.65	.30		
Brush & paperhangers	10.34		.30		
Structural steel	10.84		.65		
PLASTERERS	13.42		.85		
PLUMBERS	13.79		1.15		.10
ROOFERS: Composition - Douglas, Cass & Sarpy Cos.	10.90		.20		.01
ROOFERS (Otoe County)	10.85		.30		.02
ROOFERS: Roofers helpers (handling roofing materials, erecting and dismantling scaffold for roofers, and removing and cleaning up old roofers (Douglas, Cass, and Sarpy Cos.)	50¢JR	.70	.20		.01
SHEET METAL WORKERS	14.39	.75			.08
SHEET METAL WORKERS Residential	10.53	.75			.08
SPRINKLER FITTERS	14.30	.85	1.20		.08
STEAMFITTERS	13.54	.70	.85		.15
LINE CONSTRUCTION: Lineman	13.18	.45	3¢		½¢
Cable splicers	14.16	.45	3¢		½¢
Truck Driver	9.52	.45	3¢		½¢
Equipment Operators	11.86	.45	3¢		½¢
Groundmen	8.60	.45	3¢		½¢

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$10.07	.85	1.20		
Group 2	10.18	.85	1.20		
Group 3	10.52	.85	1.20		
Group 4	12.26	.85	1.20		
Group 5	12.37	.85	1.20		
Group 6	12.67	.85	1.20		
Group 7	10.09	.85	1.20		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- Group 1 - Oilers
- Group 2 - Oiler drivers (mobil truck crane)
- Group 3 - Conveyors; heaters; tractors, 35 hp or under; air compressors; pump and welding machine operator
- Group 4 - Bulldozers; forklifts; concrete pumps; tractors over 35 hp; one drum hoist; straddle trucks; spread oiler
- Group 5 - Blades; end loaders; self-propelled scrapers
- Group 6 - Two drum hoist; trenching machines; pile drivers; dredges; heavy duty mechanics; draglines; clamshells; orange peels; cranes; derricks; bathhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors
- Group 7 - Greasers

TRUCK DRIVERS:

Single axle	8.645	.57	.48	
Tandem axle	8.72	.57	.48	
Lowboy, trailer	8.845	.57	.48	
Lumber carriers	9.02	.57	.48	

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a) (1) (ii)).

federal register

Friday
March 13, 1981

Part III

Department of Education

**Pell Grant Program; Revision in the
1981-82 Family Contribution Schedules**

Ergebnis

Part III

Department of
Education

For the Council of the Department of the
United States Government

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program; Revision in the 1981-82 Family Contribution Schedules

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: These regulations revise the Family Contribution Schedules for the Pell Grant Program which were published as final regulations on January 19, 1981. The Family Contribution Schedules are the formulas used in determining student eligibility for Pell Grants on the basis of financial need.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the *Federal Register*. The effective date is changed if the Congress takes certain adjournments. It should be noted, however, that these regulations apply only to Pell Grants made for the period of July 1, 1981 through June 30, 1982. If you want to know the effective date of these regulations call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: William L. Moran or David Morgan, Office of Student Financial Assistance, ROB-3, Room 4318, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone (202) 472-4300.

SUPPLEMENTARY INFORMATION:**General Background**

The Family Contribution Schedules include an "offset" based on family size which is used in computing the size of the Pell Grant. These offsets are updated each year to reflect the increases in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The offsets represent basic subsistence costs for families. The offsets are subtracted from the income of the student and his family along with other deductions to derive "discretionary income." A portion of discretionary income is assessed as the student's expected family contribution.

On January 19, 1981, the Department of Education published in the *Federal Register* the final regulations for the 1981-82 Family Contribution Schedules increasing the offsets by 12.6 percent to reflect the increase in the Consumer Price Index (46 FR 5320). This regulation rescinds that increase and restores the

family size offsets to the level set in the 1980-81 Family Contribution Schedules. The dependent student offsets will also remain at their 1980-81 levels.

As a part of President Reagan's Budget Reform Plan a number of changes are being made in the student aid programs with the intention of reducing Federal expenditures and curbing inflation. A number of the changes will require legislative action, and proposed amendments have already been submitted to Congress. The family size offsets, however, may be changed by a regulatory amendment without the need for a legislative amendment.

By holding the family size offsets at the 1980-81 level, and thus increasing the amount of family income considered discretionary and subject to assessment in the formula, the Secretary is reemphasizing the traditional responsibility of the family in financing postsecondary education. Additionally, by not indexing the offsets, the Secretary is including the Pell Grant Program in the effort to combat inflation.

Waiver of Notice of Proposed Rulemaking

The issue of raising the family size offsets to reflect the increase in the Consumer Price Index was included in the notice of proposed rulemaking for the Family Contribution Schedules published in the *Federal Register* of August 1, 1980. Several comments were received including one that suggested that the use of the Consumer Price Index artificially increased financial need. For the reasons stated earlier, the Secretary is now in agreement with this comment. Moreover, the Family Contribution Schedules are used to determine the amount of a student's Pell Grant for the award period starting on July 1, 1981 while section 431(d) of the General Education Provisions Act delays the effective date of regulations for 45 days after they are transmitted to Congress. Accordingly, the Secretary finds that publication of a proposed rule in this instance would be unnecessary and impracticable within the meaning of 5 U.S.C. 553(b), and is publishing these rules as final regulations.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: March 9, 1981.

T. H. Bell,

Secretary of Education.

PART 690—PELL GRANT PROGRAM

Subparts C and D of Part 690 of Title 34 of the Code of Federal Regulations are amended as follows:

1. In § 690.34 the family size offsets in paragraph (a)(1) are amended to read as follows:

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income.

(a) * * *
(1) * * *

Family Size Offsets

Family members	Amount
2	\$5,000
3	6,060
4	7,700
5	9,050
6	10,250
7	11,350
8	12,550
9	13,750
10	14,850
Plus \$1,150 for each additional family member over 10.	

2. In § 690.34a the dependent student offsets in paragraph (a)(1) are amended as follows:

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income.

(a) * * *
(1) * * *

Dependent Student Offsets

Single student	\$2,650
Married student	3,850

3. In § 690.44 the family size offsets for an independent student in paragraph (a)(1) are amended as follows:

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income.

(a) * * *
(1) * * *

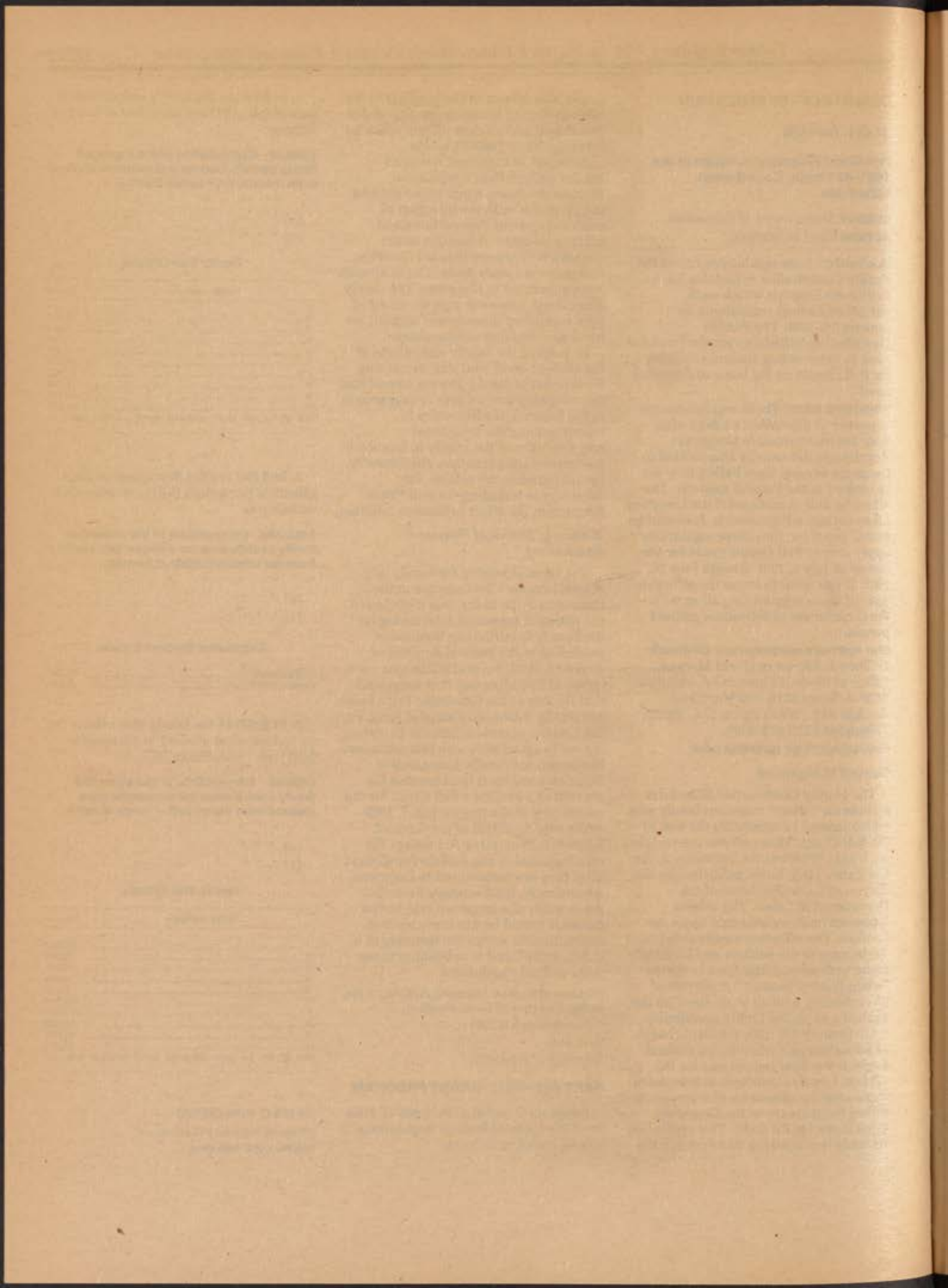
Family Size Offsets

Family members	Amount
1	\$3,850
2	5,000
3	6,060
4	7,700
5	9,050
6	10,250
7	11,350
8	12,550
9	13,750
10	14,850
Plus \$1,150 for each additional family member over 10.	

(20 U.S.C. 1070(a)(3)(B))

[FR Doc. 81-784 Filed 3-12-81; 8:45 am]

BILLING CODE 4000-01-M



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Part IV

Department of Labor

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Redwood Employee Protection Program

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Part IV

Department of Labor

Office of the Secretary

Research Division

Foreign Labor

DEPARTMENT OF LABOR

29 CFR Part 92

Redwood Employee Protection Program

AGENCY: Department of Labor.
ACTION: Proposed rule.

SUMMARY: The Department of Labor is responsible for administering the Redwood Employee Protection Program established by Title II of the Redwood National Park Expansion Act of 1978 (Pub. L. 95-250). Under Title I of the Act, employees whose jobs were lost as a result of this Park expansion were designated to receive preference in hiring for both Federal civilian jobs and jobs with certain private employers. In addition, under Title II of the Act, these employees were provided with a program of income and benefit maintenance, and with retraining, job search, and job relocation allowances.

The Department proposes to clarify criteria to be used in determining applicant eligibility for Redwood Employee Protection Program (REPP) benefits based on layoffs occurring subsequent to September 30, 1980.

DATE: Written comments must be received by the Department of Labor by the close of business April 13, 1981.

ADDRESS: Written comments should be submitted to the Redwood Employee Protection Program, Division of Employee Protections, Room N-5639, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Johnson of the Department of Labor at (202) 523-6495. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:**Discussion**

Section 92.11(a) *Filing After Layoff*. This section has been revised to conform with the period of time during which a covered employee may file an application for REPP benefits as set forth in the new § 92.15.

Section 92.15 *Layoffs After September 30, 1980*. This section has been added to provide criteria for determining eligibility for REPP benefits as a result of a layoff occurring after September 30, 1980. The statute provides in Section 203 that a layoff occurring between May 31, 1977 and September

30, 1980 is conclusively presumed to be attributable to the expansion of the Redwood National Park. This new section sets forth criteria for determining if layoffs occurring between October 1, 1980 and September 30, 1984 are attributable to the Park expansion for the purpose of qualifying for REPP benefits.

The criteria contained in this section apply only to covered employees who are laid off in the period October 1, 1980 to September 30, 1984. Any covered employee who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980, has continued to be qualified for REPP benefits as a result of that layoff.

Note.—The Department of Labor has determined that the proposal in this document is not a major regulation that requires the preparation of a regulatory analysis, within the meaning of Executive Order 12291 and the Department's guidelines published at 44 FR 5570. This note also reflects that I have certified, in accordance with 5 U.S.C. 605(b), that the regulation in this document will not have a significant economic impact on a substantial number of small business entities.¹ This document was prepared under the direction and control of the Acting Deputy Assistant Secretary, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone: (202) 523-6065.

Accordingly, it is proposed to amend 29 CFR Part 92 as set forth below.

1. The authority citation for Part 92 reads as follows:

Authority: Sections 202 and 213(c)(2), Pub. L. 95-250, dated March 27, 1978.

2. Section 92.11(a) is revised to read as follows:

§ 92.11 When to apply.

(a) *Filing After Layoff*. An initial application for REPP benefits by a covered employee may be filed with respect to a total or partial layoff by an affected employer which occurred before September 30, 1980 or as provided in § 92.15 of this Part.

3. A new § 92.15 is added to read as follows:

§ 92.15 Layoffs After September 30, 1980.

(a) *Qualifying Layoffs*. A covered employee laid off between October 1, 1980 and September 30, 1984 shall be

¹ Original letter of certification filed with the Office of the Federal Register as part of the original document.

deemed to be an affected employee if such layoff occurred under one of the following circumstances:

(1) The covered employee suffered a qualifying layoff from an affected employer and the employee returned to work for a known short-term recall from that employer and is again laid off when that term expires; or

(2) The covered employee works for an affected employer on a staggered work schedule during the period beginning May 31, 1977 and ending September 30, 1980 and has continued to work on such schedule beyond September 30, 1980; or

(3) The covered employee works as a seasonal worker who was recalled for part of a season or recalled to substitute for other workers as vacation or sick leave relief and is again laid off; or

(4) The covered employee was laid off by an affected employer under any other circumstances related to the Park expansion; or

(5) The covered employee was laid off by an affected employer for reasons determined by the Secretary to be related to the Park expansion.

(b) *Non-Qualifying Layoffs*. After the effective date of this section any covered employee laid off between October 1, 1980 and September 30, 1984 shall not be deemed an affected employee if such layoff occurred under one of the following circumstances:

(1) A strike, lockout, maintenance shutdown, vacation shutdown, flood, earthquake, fire, temporary adverse weather condition; or

(2) Any other reason unrelated to the Park expansion.

(c) Eligibility Review After the Effective Date of This Section.

Notwithstanding § 92.50 of this Part, after the effective date of this section, an affected employee receiving REPP benefits based on a layoff occurring after September 30, 1980 shall have the circumstances of that layoff redetermined on the basis of the above criteria. Only those employees whose layoffs are found to be qualifying, upon redetermination, shall continue to receive REPP benefits.

Signed at Washington, D.C., on February 22, 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81-7912 Filed 3-12-81; 8:45 am]

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federal register

Friday
March 13, 1981

Part V

**Department of
Health and Human
Services**

Office of Human Development Services

**Child Abuse and Neglect Grants
Program: Fiscal Year 1981 State Grants**

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

**Office of Human Development
Services**

[Notice No. 13628-8111]

**Child Abuse and Neglect Grants
Program: Fiscal Year 1981 State
Grants**

AGENCY: The Office of Human
Development Services, DHHS.

SUBJECT: Announcement of availability
of grant funds for FY 1981 Child Abuse
and Neglect Grants Program—State
Grants.

SUMMARY: The Administration for
Children, Youth and Families announces
that applications are being accepted for
State grants for Fiscal Year 1981. This
program is authorized by the Child
Abuse Prevention and Treatment Act,
Pub. L. 93-247, as amended. Regulations
governing this program are published in
the *Code of Federal Regulations* in 45
CFR Part 1340.

DATE: The closing date for receipt of
applications is May 31, 1981.

Scope of This Notice

The Child Abuse Prevention and
Treatment Act (Pub. L. 93-247, as
amended) in Section 4(b)(1) provides
that the Secretary through the National
Center on Child Abuse and Neglect,
(NCCAN) is authorized to make grants
to States. This Notice identifies
NCCAN's FY 1981 objectives and
funding priorities for States making
application for a State grant.

Program Purpose

The primary purpose of the Child
Abuse and Neglect State Grants
Program is to support the States in
developing, strengthening, and carrying
out child abuse and neglect prevention
and treatment programs.

Eligible Applicants

The Regulations implementing the
legislation provide that "Whichever
State office, agency or organization is
designated by the Governor, may apply
for financial assistance under section
4(b)(1) (of the Act) for the payment of
reasonable and necessary expenses in
developing, strengthening, and carrying
out child abuse and neglect prevention
and treatment programs." (45 CFR
1340.3-2(b)).

The term State as defined in Section
4(b)(1) of the Act includes each of the
several States, the District of Columbia,
the Commonwealth of Puerto Rico,
American Samoa, the Virgin Islands,
Guam, the Commonwealth of the

Northern Mariana Islands, and the Trust
Territories of the Pacific. In order for a
State to qualify for a State grant, the
State must meet the eligibility criteria
stipulated in Appendix C.

Available Funds

Pub. L. 93-247, as amended, provides
that 30 percent of the funds appropriated
in FY 1981 for the implementation of the
Act will be used for making State grants.
The FY 1981 appropriation of the
Department of Health and Human
Services provides the National Center
on Child Abuse and Neglect with a FY
1981 authorization of \$18,928,000 plus
\$4,000,000 earmarked for programs to
prevent, identify, and treat the sexual
abuse of children. As a result of this
additional allotment, \$6,878,400 will be
available to eligible States. Of this
amount \$5,678,400 will be allocated for
the regular State program objectives
(listed under Category A) and \$1,200,000
will be allocated for sexual abuse
program objectives (listed under
Category B).

Funds to States will be allocated for
regular program objectives on the basis
of the following criteria: An amount of
\$25,000 plus an additional amount
bearing the same ratio to the total
amount made available for the purpose
as the number of children under the age
of eighteen in each State bears to the
total number of children under 18 in all
States.

Funds to States will be allocated for
sexual abuse program objectives on the
basis of the following criteria: An
amount of \$12,500 plus an additional
amount bearing the same ratio to the
total amount made available for the
purpose as the number of children under
the age of eighteen in each State bears
to the total number of children under 18
in all States.

The actual allocations to each eligible
State will probably be slightly higher.
Some States will probably not apply or
will be found ineligible and their
cumulative allocations for FY 1981 will
be distributed by the formulas stated
above to eligible States. As soon as the
number of eligible States and the
number of ineligible States, or States not
applying for a grant, can be determined,
the allocations to eligible States can be
finalized. However, States should not
delay submission of their applications
until the actual allocation is known.
Instead, they should use the tentative
allocations provided in Appendix A for
preparing their applications.

State grant funds for the prevention,
identification and treatment of child
abuse, child neglect and child sexual
abuse are not intended to substitute for
State or Federal monies which are

currently being used to address these
problems, and should not be used for
ongoing support or maintenance of
current agency programs.

Funds awarded to States should
support specific developmental or
startup activities (usually no longer than
three years in duration for any one
project activity) such as those described
under "PROGRAM OBJECTIVES" in
this Notice.

Applicants may apply for their regular
allocation only; the sexual abuse
allocation only; or they may apply for
both. Applicants may use both
allocations for child sexual abuse
objectives, but cannot use the child
sexual abuse allocation for regular State
program objectives.

Use of Unobligated Balance

Pub. L. 93-247, as amended, provides
that any State which fails to obligate
funds within 18 months after the award
will receive a reduction of the next grant
award in an amount equal to the
unobligated balance unless the
Secretary determines that extraordinary
reasons justify the failure to so obligate.

Program Objectives

Category A (To be supported with
Regular Program Funds).

Applications are solicited from States
for projects which reflect one or more of
the following program objectives.

1. Developing and implementing
education, awareness, and technical
assistance programs for those persons
required by State law to report known
or suspected instances of child abuse
and neglect for the purpose of:

(a) Clarifying statutory obligations for
reporting child abuse and neglect;

(b) Defining situations and conditions
which must be reported and to whom;

(c) Addressing issues of
confidentiality and privileged
communication;

(d) Clarifying for reporters the States'
immunity provisions for reporters of
child abuse and neglect;

(e) Defining circumstances under
which a child may be taken into
protective custody and the authority for
doing so;

(f) Understanding the use and limits of
authority;

(g) Clarifying procedures and roles
within the child protective service
system and the juvenile justice system.

(h) Dealing with the threats of
malpractice to mandated reporters; and/
or

(i) Explaining the central register/
index and its use.

2. Improving the investigation of reports of child abuse and neglect through:

(a) Development and promulgation of working definitions of child abuse and neglect which are consistent with statutory definitions;

(b) Establishment, improvement, or strengthening the capacity to review and screen reported cases of child abuse and neglect;

(c) Development and implementation of written guidelines for the screening and referral of reported cases of child abuse and neglect;

(d) Provision of services for the immediate investigations of situations when there is imminent danger to a child's health or safety and the initiation of investigation within 24 hours for all other reported cases;

(e) Use of teams (protective service worker and police juvenile bureau officer) to respond to situations of imminent danger to children and, where removal of children is strongly indicated;

(f) Development and promulgation of written guidelines and criteria for determining when a child should be removed from his/her home and taken into custody. Under what circumstances can emergency protective custody be used without a court order; and/or

(g) Identification of investigator's responsibilities in giving notices to: courts of juvenile jurisdiction, agencies mandated to receive reports, parents, and, when appropriate, coroners.

3. Improving treatment capabilities through:

(a) Use of multidisciplinary case consultation teams and development and implementation of criteria for use of teams;

(b) Assignment of child advocates to follow the child and family through the maze of resources to insure delivery of services;

(c) Use of written treatment plans with child/family participation;

(d) Periodic review of cases involving children in placement pending court action; and/or

(e) Community commitment of resources, on a priority basis, to children at risk.

4. Developing and strengthening information systems including central registers for the purpose of:

(a) Providing a conduit for reporting;

(b) Facilitating self-referrals;

(c) Monitoring cases in the child protective service system;

(d) Planning; and

(e) Research

5. Developing and strengthening programs using volunteers, parent aides

and self-help groups under the direction of professional leadership.

6. Developing and strengthening for the protection and treatment of children who, as a result of spouse abuse or other form(s) of family violence, are neglected or themselves abused. Programs may focus on the development and implementation of specialized services necessary to prevent traumatization of children from abusive families. This could include crisis intervention as well as ongoing therapeutic treatment of child victims of domestic violence.

7. Establishing an organizationally visible State Child Protective Services unit responsible for policy and program direction. This unit would provide a focal point for coordinating program activities; developing and promulgating staff manuals and procedural guides; enhancing resource development; convening child protection coordinating committees and conducting research and demonstration programs. These responsibilities are suggestive and not exhaustive.

8. Preventing and correcting child abuse and neglect in residential institutions and foster care placements through

a. Development and promulgation of regulations, operational procedures and guidelines for the identification, reporting and investigation of all incidents of child abuse and neglect in residential care facilities.

b. Establishment of a special unit for this purpose at the State level.

c. Support of review commissions at the individual institution or groups of institutions.

9. Developing a training capacity within the State agency that includes a plan for meeting the training needs of those working in a child protective service system. The use of grant funds for training those providing direct service to the clients is specifically excluded as Title XX and Title IV-B funds are available for this use.

Category B (To be supported with Sexual Abuse Program Funds and/or Regular program funds).

Applications are solicited from States for projects related to child sexual abuse which reflect one or more of the following program objectives. They are not listed in any priority order.

1. Establishment of a special unit within the State Protective Services Agency, or the establishment of a sexual abuse specialist position within a specific State Protective Service Unit which would be responsible for developing policy and program guidance in matters relating to sexual abuse of children.

2. Develop a training and technical assistance capability within the State or local protective service agency that includes a plan for meeting the training needs of the child protective service staff handling sexual abuse cases. Funds may be utilized to:

- Support travel, lodging, subsistence and registration fees for child protective workers to attend training programs which are specifically related to the handling of sexual abuse cases.

- Establish a specific on-going training capacity within the State agency for the training of personnel who will be involved in the investigation, case management, and treatment of child sexual abuse cases.

- Provide specific technical assistance for the establishment and implementation of specialized units or programs within the child protective services system for the treatment of sexually abused children and their families.

3. Establish or strengthen follow-up and long term treatment resources for sexually abused children and their families who are in need of ongoing therapeutic intervention. Services must be closely coordinated with the activities of the State and local child protective service agency and a special effort made to avoid duplication.

4. Develop, support, or strengthen hot lines or helplines specifically designed to be responsive to calls concerning sexual abuse and support for parent and child self-help programs specifically for the treatment of child sexual abuse.

The Application Process

Availability of Application Forms

The agency, designated by the Governor, that wishes to apply under this grant Notice may request application forms from the appropriate DHHS Regional Office (See Appendix B). The application consists of two forms:

1. The Eligibility Statement (Form 627).

2. The Application for Federal Assistance (Form 424).

No applications will be considered unless the Eligibility Statement (Form 627) and the Application for Federal Assistance (Form 424) are completed according to the instructions provided.

States which have never applied or which have previously been found ineligible for a State Child Abuse and Neglect grant are encouraged to apply at the earliest possible time but no later than May 31, 1981, as described in the section dealing with the Closing Date for Receipt of Applications.

A-95 Clearinghouse Notice

In compliance with the Department of Health and Human Services implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and area A-95 Clearinghouse of the intent to apply for Federal Assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted.

Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Criteria For Review and Evaluation

Criteria to be used in the review process are the eligibility requirements contained in 45 CFR 1340.3-3. (See Appendix C)

The DHHS Regional Office Officials have been delegated responsibility for the review and approval of Eligibility Statements and Applications for Federal Assistance.

Eligible applicants submitting applications and approved for funding are notified through issuance of Notices of Financial Assistance Awarded which set forth the amounts of funds awarded, the terms and conditions of the grant, the effective dates of the grants, the budget periods for which support is given, and the total periods for which support is contemplated.

Application Submission

In order to be considered for a grant under the State Child Abuse and Neglect Grants Program, an application must be submitted on the forms and in the manner described above. The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including the regulations of the Program. One signed original and two copies of the grant application, including all attachments, are required.

Applications sent by mail should be addressed to the appropriate Regional Office of Fiscal Operations. Addresses will be provided in the Application Kit.

Closing Date For Receipt of Applications

The closing date for receipt of applications under this Notice is May 31,

1981. Applications received after the close of business on May 31, 1981, will be considered ineligible and will not be reviewed and evaluated. An application sent by mail will be considered to be received on time by the DHHS Regional Office if:

1. The application was sent by registered or certified mail no later than May 31, 1981, as evidenced by the U.S. Postal Service Postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service.

2. An application delivered by hand must be delivered to the appropriate DHHS Regional Office before close of business on May 31, 1981. As the Regional Offices have different hours of operation, applicants may wish to contact the Regional Office for the time of day that the office closes.

(Catalog of Federal Domestic Assistance Program Number 13.628, Child Development—Child Abuse)

Dated: March 2, 1981.

John Busa,

Acting Commissioner for Children, Youth and Families.

Approval: March 6, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

Appendix A—Fiscal Year 1981 (Tentative Allocations)

	Category A (regular program funds)	Category B (sexual abuse program funds)	Total
REGION I			
Connecticut	\$79,447	\$18,740	\$98,187
Maine	45,843	14,889	60,732
Massachusetts	125,370	24,005	149,375
New Hampshire	41,589	14,401	55,990
Rhode Island	41,164	14,323	55,487
Vermont	34,358	13,573	47,931

REGION II			
New Jersey	157,715	27,710	185,425
New York	340,595	48,824	389,419
Puerto Rico	110,925	22,348	133,273
Virgin Islands	28,217	12,744	40,961

REGION III			
Delaware	35,634	13,719	49,353
District of Columbia	36,060	13,763	49,823
Maryland	101,141	21,226	122,367
Pennsylvania	232,739	36,183	268,922
Virginia	120,283	23,420	143,703
West Virginia	60,731	16,595	77,326

REGION IV			
Alabama	99,865	21,543	121,408
Florida	172,603	29,416	202,019
Georgia	128,365	24,346	152,711
Kentucky	94,335	20,446	114,781
Mississippi	78,597	16,643	95,240
North Carolina	132,199	24,785	156,984
South Carolina	84,552	19,325	103,877
Tennessee	107,947	22,006	129,953

REGION V			
Illinois	240,913	37,119	278,032
Indiana	130,917	24,639	155,556

Appendix A—Fiscal Year 1981 (Tentative Allocations)—Continued

	Category A (regular program funds)	Category B (sexual abuse program funds)	Total
Michigan	206,333	33,316	239,649
Minnesota	102,417	21,373	123,790
Ohio	231,137	35,998	267,135
Wisconsin	114,326	22,738	137,064

REGION VI			
Arkansas	67,112	17,326	84,438
Louisiana	110,525	22,348	132,873
New Mexico	51,798	15,571	67,369
Oklahoma	79,022	18,691	97,713
Texas	297,939	43,651	341,590

REGION VII			
Iowa	79,447	16,740	96,187
Kansas	67,537	17,375	84,912
Missouri	113,802	22,689	136,491
Nebraska	54,776	15,913	70,689

REGION VIII			
Colorado	78,171	16,594	94,765
Montana	40,739	14,304	55,043
North Dakota	37,761	13,963	51,724
South Dakota	38,612	14,060	52,672
Utah	58,804	16,351	75,155
Wyoming	34,358	13,573	47,931

REGION IX			
No. Mariana Island	25,425	12,549	37,974
American Samoa	26,276	12,646	38,922
Arizona	75,194	18,252	93,446
California	438,050	59,836	497,886
Guam	28,828	12,339	41,167
Hawaii	43,291	14,596	57,887
Nevada	38,612	14,060	52,672
Trust Territory	29,254	12,988	42,242

REGION X			
Alaska	34,784	13,621	48,405
Idaho	44,567	14,743	59,310
Oregon	71,385	17,814	89,199
Washington	97,738	20,836	118,574

Appendix B—Regional Program Directors, ACYF

Region I

Richard Sterling, Regional Program Director, Administration for Children, Youth and Families, Room 2000, JFK Federal Building, Government Center, Boston, Massachusetts 02203, FTS 223-6450, (617) 223-6450.

Region II

Elaine Danavall, Regional Program Director, Administration for Children, Youth and Families, 26 Federal Plaza, New York, NY 10278, FTS 264-2974, (212) 264-2974.

Region III

Fred Digby, Regional Program Director, Administration for Children, Youth and Families, P.O. Box 137165, 3535 Market Street, Philadelphia, Pennsylvania 19101, FTS 596-6763, (215) 596-0356.

Region IV

John Jordan, Regional Program Director, Administration for Children, Youth and Families, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323, FTS 242-2134, (404) 221-2134.

Region V

Hilton Baines, Regional Program Director,
Administration for Children, Youth and
Families, 300 South Wacker Drive, 15th
Floor, Chicago, Illinois 60606, FTS 353-1761,
(312) 353-6503.

Region VI

Tommy Sullivan, Regional Program Director,
Administration for Children, Youth and
Families, 1200 Main Tower Building,
Dallas, Texas 75205, FTS 729-2976, (214)
767-2976.

Region VII

German White, Regional Program Director,
Administration for Children, Youth and
Families, 601 E. 12th Street, 3rd Floor,
Federal Building, Kansas City, Missouri
64106, FTS 758-5401, (816) 374-5401.

Region VIII

David Chapa, Regional Program Director,
Administration for Children, Youth and
Families, 1961 Stout Street, Denver,
Colorado 80294, FTS 327-3106,
(303) 837-3106.

Region IX

Roy Fleischer, Regional Program Director,
Administration for Children, Youth and
Families, 50 United Nations Plaza, Room
144, San Francisco, California 94102, FTS
556-6153, (415) 556-6153.

Region X

William Hayden, Regional Program Director,
Administration for Children, Youth and
Families, MS 813, Arcade Plaza Building,
1321 Second Avenue, Seattle, Washington
98101, FTS 399-0838, (206) 442-0838.

Appendix C**§ 1340.3-3 Qualification for assistance.**

(a) The Act enumerates ten elements of a comprehensive system to prevent and treat child abuse and neglect which a State must have in order to qualify for assistance under section 4(b)(1). The enactment of identical laws and procedures in the States is not necessary. Rather, as its purpose, the Act seeks to insure that all States receiving assistance under this subsection (in meeting the ten requirements) must provide what may be grouped into four fundamental child protective capabilities: (1) Detection through third party reporting of children in danger, including mandatory and permissive reporting of suspected child abuse and neglect; (2) child protective services to provide noncriminal investigations for the verification of reports, to provide immediate protection of children through such means as protective custody, and to provide rehabilitative and ameliorative services; (3) juvenile or family court action to remove a child or to impose treatment services; and (4) law enforcement investigations and criminal court prosecution, when appropriate.

(b) Similarly, it is not necessary for States to adopt language for the definition of "child abuse and neglect" identical to that used in the Act. A State definition which is the same in substance as the one set forth in this part will be sufficient. In addition, nothing in this

part is intended to prevent a State from further elaborating on the definition or from providing additional grounds to consider a child abused or neglected. This part takes this approach in recognition of the need to allow and encourage flexibility and innovation in light of the diverse local conditions found from State to State and community to community.

(c) Finally, in order to facilitate compliance, this part makes a distinction between requirements that can be satisfied by a specific State law and those that can be satisfied by a legally authorized and legally binding administrative procedure, if certified by the State's Attorney General.

(d) In order for a State to qualify for assistance under section 4(b)(1) of the Act, the State shall satisfy each of the following ten requirements:

(1) The State must have in effect a child abuse and neglect law which includes provisions for immunity for all persons reporting, whether mandated by law or not, instances of known or reasonably suspected child abuse and neglect, from civil or criminal prosecution under any State or local law, arising out of such reporting. In the absence of a specific statutory provision in an existing child abuse and neglect reporting law, this requirement may be satisfied, but only until July 1, 1975, or the close of the next session of the State legislature, whichever is later, by a legal opinion of the State's Attorney General holding that such immunity exists under State law.

(2)(i) The State must provide for the reporting of known or suspected instances of child abuse and neglect. This requirement shall be deemed satisfied if a State requires specified persons by law, and has a law or administrative procedure which requires, allows, or encourages all other citizens, to report known or suspected instances of child abuse and neglect to one or more properly constituted authorities with the power and responsibility to perform an investigation and take necessary ameliorative and protective steps as required in paragraph (3). A properly constituted authority may include the police, the juvenile court or any agency thereof, or a legally mandated, public or private child protective agency. *Provided*, However, that a properly constituted authority must be an agency other than the agency, institution or facility involved in the acts or omissions, if the report of child abuse and neglect involves the acts or omissions of a public or private agency or other institution or facility.

(ii) In the absence of a specific statute, the requirements of this subsection may be satisfied by an opinion of the State Attorney General holding that the State administrative procedures in this regard are legally binding.

(3)(i) A State must provide that upon the receipt of a report of known or suspected instance of child abuse or neglect an appropriate investigation by a properly constituted authority shall be initiated promptly to substantiate the accuracy of the report. Such investigation may include contact with central registers, field investigations and interviews, home visits, consultation with other agencies, medical examinations, and psychological and social evaluations.

(ii) The State must provide further that, upon a finding of abuse or neglect, immediate steps, as required by law and/or administrative procedures, shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect. Such steps may include multidisciplinary teams, instruction in education for parenthood, protective and preventive social counseling, foster care, emergency caretaker service, emergency homemaker service, emergency shelter care, emergency medical service, and, if appropriate, criminal court or juvenile court action, in order to protect the child and help strengthen the family, help the parents in their child rearing responsibilities, and if necessary, remove the child from a dangerous situation.

(4) The State must demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State has operational procedures and capabilities sufficient to deal effectively with child abuse and neglect cases in the State. Such operational procedures and capabilities shall include: provision for receipt, investigation and verification of reports; provision for the determination of treatment or ameliorative social service and medical needs; provision of such services; and, when necessary, resort to criminal or juvenile court.

(5) The State must provide for methods to preserve the confidentiality of all records concerning reports of child abuse and neglect in order to protect the rights of the child, his parents or guardians. This section shall be satisfied only if a State has a law which makes such records confidential and which makes any person who permits or encourages the unauthorized dissemination of their contents guilty of a crime. Such law may allow access to such records but only to the following agencies and persons: (i) A legally mandated, public or private child protective agency investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of a report or record; (ii) a police or other law enforcement agency investigating a report of known or suspected child abuse or neglect; (iii) a physician who has before him a child whom he reasonably suspects may be abused or neglected; (iv) a person legally authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and such person requires the information in the report or record in order to determine whether to place the child in protective custody; (v) an agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record, or a parent,

guardian, or other person who is responsible for the child's welfare; (vi) any person named in the report or record who is alleged to be abused or neglected; if the person named in the report or record is a minor or is otherwise incompetent, his guardian ad litem; (vii) a parent, guardian, or other person responsible for the welfare of a child named in a report or record, with protection for the identity of reporters and other appropriate persons; (viii) a court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it; (ix) a grand jury upon its determination that access to such records is necessary in the conduct of its official business; (x) any appropriate State or local official responsible for the child protective service or legislation carrying out his official functions; (xi) any person engaged in a bona fide research purpose, provided, however, that no information identifying the subjects of the report shall be made available to the researcher unless it is absolutely essential to the research purpose and the appropriate State official gives prior approval. Nothing in these regulations is intended to affect a State's laws or procedures concerning the confidentiality of its criminal court and its criminal justice system.

(6) The State must provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and all appropriate State agencies providing human services in relation to preventing identifying and treating child abuse and neglect. Such cooperation may include joint consultation and services, joint, planning, joint case management, joint public education and information service, utilization of each other's facilities, and joint staff and other training.

(7) The State must provide that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings. The requirement of this clause may be satisfied by a State law or by a legal opinion of the State's Attorney General holding that such appointments can be made, and by a statement from the Governor that such appointments are made, in all cases. Such guardian ad litem need not be an attorney; however, such representative may be an attorney charged with the presentation in a judicial proceeding of the evidence alleged to amount to the abuse and neglect, so long as his legal responsibility includes representing the rights, interests, welfare, and well-being of the child; where such appointments are made, the legal opinion of the State Attorney General must specify that such attorney has said legal responsibility.

(8) The State must provide that the aggregate of State support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during Federal fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects.

(9) The State must provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and the prevention and treatment methods available to combat instances of child abuse and neglect; and

(10) To the extent feasible, the State must insure that parental organizations combating child abuse and neglect, as recognized by the State, receive preferential treatment.

In addition, whenever the term "child abuse and neglect" is used (laws, administrative procedures, etc.) it must satisfy all elements of the definition expressed in 45 CFR 1340.1-2(b) of the Regulations which is Question 1 of the Eligibility Statement (HHS Form 627).

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BILLING CODE 4110-92-M

federal register

Friday
March 13, 1981

Part VI

**Office of
Management and
Budget**

Budget Rescissions and Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Rescissions and Deferrals**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose 3 new rescissions of budget authority previously provided by the Congress, totalling \$128.0 million. In addition, I am reporting 24 new deferrals totalling

\$825.5 million, and revisions to five previously reported deferrals increasing the amount deferred by \$876.4 million.

The rescission proposals affect programs of the Department of the Interior and the National Consumer Cooperative Bank. The deferrals affect Appalachian regional development programs, programs in the Departments of Commerce, Defense, Education, Energy, Housing and Urban Development, Justice, Labor, and

Transportation, as well as the Veterans Administration, the General Services Administration, and the Small Business Administration.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan
THE WHITE HOUSE,
March 10, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGES
(in thousands of dollars)

Rescission #	Item	Budget Authority	Deferral #	Item	Budget Authority
881-35	Department of the Interior Office of the Solicitor and Office of the Secretary Four conservation corps.....	38,194	D81-88	Department of Transportation Office of the Secretary Transportation planning, research and development.....	1,040
881-36	Other independent Agencies National Consumer Cooperative Bank	59,849	D81-178	Federal Aviation Administration Facilities and equipment (airport and airway trust fund).....	365,783
881-37	Investment in National Consumer Cooperative Bank..... Self-help development and technical assistance.....	29,990	D81-89	Federal Highway Administration Trust fund share of other highway programs.....	21,500
	Subtotal, rescissions.....	128,033	D81-90	Federal Railroad Administration Railroad research and development.....	383
			D81-91	Rail service assistance.....	80,341
			D81-92	Northeast corridor improvement program.....	125,000
			D81-93	Urban Mass Transportation Administration Research and Special Programs Administration	210,000
			D81-94	Research and special programs.....	3,100
			D81-95	Veterans Administration Medical care.....	29,289
			D81-96	Medical and prosthetic research.....	1,890
			D81-97	Medical administration and miscellaneous operating expenses.....	513
			D81-98	Construction, major projects.....	183,493
				Other Independent Agencies	
				General Services Administration	
			D81-99	Office of Inspector General.....	444
			D81-100	Allowances and office staff for former Presidents.....	9
			D81-101	Consumer information center.....	50
			D81-41A	Small Business Administration Business loan and investment fund.....	113,400
			D81-102	Society bond guarantees revolving fund.....	6,000
				Subtotal, deferrals.....	2,208,863
				Total, rescission proposals and deferrals.....	2,376,896
281-79	Funds appropriated to the President Appalachian Regional Development Program Appalachian regional development programs.....	10,000			
D81-80	Maritime Administration Ship construction.....	92,000			
D81-81	Department of Defense - Civil Corps of Engineers, Civil Construction, general.....	10,000			
D81-82	Department of Education Office of Postsecondary Education Higher education facilities loan and insurance.....	25,000			
D81-29A	Department of Energy Atomic Energy Defense Activities Operating expenses.....	10,000			
D81-83	Energy Program Strategic Petroleum Reserve.....	9,000			
D81-33A	Fossil energy construction.....	205,000			
D81-84	Department of Housing and Urban Development Policy Development and Research Research and technology.....	5,000			
D81-85	Department of Justice General Administration Salaries and expenses.....	7,485			
D81-86	Federal Prison System Salaries and expenses.....	4,385			
D81-87	Office of Justice Assistance, Research and Statistics Law enforcement assistance.....	870			
D81-36A	Department of Labor Employment and Training Administration Employment and training assistance.....	729,187			

Rescission Proposal No.: B21-35

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 97-344

Agency	Department of the Interior Bureau Office of the Solicitor and Office of the Secretary	New budget authority (P.L. 98-514)	\$ 60,000,000
Appropriation title & symbol	Youth Conservation Corps 1410109	Other budgetary resources	
OMB identification code:	14-0109-0-1-302	Total budgetary resources	60,000,000
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Amount proposed for rescission	\$ 38,194,000
Type of account or fund:	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input type="checkbox"/> No-year	Legal authority (in addition to sec. 1012b)	<input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Type of budget authority:	<input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other		

Justification: This rescission proposes to eliminate spending for the Youth Conservation Corps. The program is proposed for elimination because it is one of the most costly and least targeted Federal youth programs and the work accomplished by enrollees is low priority. Elimination of the program will be accomplished by enrolling no new participants in the summer Youth Corps camps administered by the Federal conservation agencies in 1981 and by awarding no further grants to the states to carry out similar activities on non-Federal lands and waters.

This rescission proposal is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: In the Youth Conservation Corps program, 1981 enrollment by the Federal conservation agencies will be eliminated, a reduction of 19,600 participants from the 1980 level. For the state grant portion of the program, enrollment would be reduced to 8,800 instead of the 17,800 enrollment level of 1980. The number of states participating in the program would be reduced to 30.

Dollar Effect (in millions of dollars)

1981 Dollar Estimate	1981	1982	1983	1984
Without Rescission	32.8	5.4	--	--
With Rescission	61.1	28.3	--	--
Outlay Savings				

1735.3 million in grant funding is proposed for rescission.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(In thousands of dollars)

	Rescissions	Deferrals
Sixth special message:		
New items.....	128,033	825,493
Change to amounts previously submitted.....	---	876,388
Effect of sixth special message.....	128,033	1,701,881
Previous special message.....	1,500	5,871,907
Total amount proposed in special messages.....	129,533	8,573,788 ^{a/}

^{a/} This amount represents budget authority except for \$61,756 thousand involving the deferral of outlays only (081-198).

881-35

Rescission Proposal No: 881-35

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 95-94

DEPARTMENT OF THE INTERIOR
Office of the Secretary
Youth Conservation Corps

Agency (National) Consumer Cooperative Bank Bureau	New budget authority (P.L. 95-525)	\$ 87,220,000
Appropriation title & symbol	Other budgetary resources	28,578,568
Investment in National Consumer Cooperative Bank	Total budgetary resources	115,798,568
201/21866 200/11866	Amount proposed for rescission	\$ 59,849,284

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriations Act, 1981, \$58,194,000 are rescinded.

OMB identification code: 20-1866-0-1-376

Legal authority (in addition to sec. 1012): Antideficiency Act

Grant program Yes No

Type of account or fund: Annual Multiple-year No-year

September 30, 1981
September 30, 1982
(expiration date)

Type of budget authority: Appropriation Contract authority Other

Justification: The National Consumer Cooperative Bank Fund was created by P.L. 95-351 to make sound loans to creditworthy consumer cooperatives. The Bank has been very slow to organize. Although in existence since 1979, it had committed only about \$21 million (out of over \$50 million available) by the end of FY 1980. Inactive during October, November, and December, the Bank suddenly committed \$59 million in loans during one week in January.

At present the only source of funding for bank loans is Treasury purchases of preferred stock. Although private purchases have occurred (they are required by law), for the most part they have been financed by Bank credit. This proposal would halt further Treasury purchases of capital stock and new commitments for guaranteed loans.

The planned rescission is an integral part of President Reagan's objective of ending the National Consumer Cooperative Bank in order to achieve budgetary restraint by reducing or eliminating lower priority programs. Although there may be merit to its activities, funding of loans by the Bank is clearly a low priority compared to remaining Federal activities and other Federal functions that have been reduced or ended.

Estimated effect: No new loans would be made by the Bank Fund with appropriated monies.

Outlay effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings	
Without Rescission	With Rescission	1981	1982 1983 1984
97.4	55.5	41.9	18.0 -- --

Rescission Proposal No. 281-37

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 3012 of P.L. 93-344

Agency National Consumer Cooperative Bank	New budget authority (P.L. 93-344)	\$ 25,190,000
Bureau	Other budgetary resources	10,500,000
Appropriation title & symbol	Total budgetary resources	36,690,000
Self-Help Development and Technical Assistance 1/	Amount proposed for rescission	\$ 29,990,000
280/10201 281/20201		

OMB identification codes:
28-0201-0-1-375

Grant program Yes No

Type of account or fund:
 Annual
 Multiple-year 9/30/82 (expiration date)
 No-year

Legal authority (in addition to sec. 1012):
 Antideficiency Act
 Other

Type of budget authority:
 Appropriation
 Contract authority
 Other

Justification: The Self-Help Development and Technical Assistance fund was created to make long-term capital advances to consumer cooperatives unable to meet the criteria of the Bank's regular lending program and to provide interest-free support to cooperatives serving low income persons. The program, despite relatively generous support in the past, has been extremely slow to organize. Only \$6.5 million has been committed out of the \$37.7 million appropriated since 1979, and most of that during the past several weeks.

This rescission proposal is an integral part of President Reagan's plan to terminate the National Consumer Cooperative Bank in order to achieve budgetary restraint by reducing or eliminating lower priority programs and programs whose fundamental merit is debatable. Although there may be merit to the activities of the Office of Self-Help Development and Technical Assistance they are clearly of lower priority compared to remaining Federal activities and other Federal functions that have been reduced or terminated.

Estimated effect: No new capital advances by the Self-Help Development and Technical Assistance fund will be made.

Outlay effect: (in millions of dollars)

1981 Outlay Estimate	Outlay Savings		
	Without Rescission	1981	1982
12.8	3.6	9.3	14.8
With Rescission	3.6	5.3	--

1/ This account was previously the subject of a deferral action in FY 1981 (081-35).

801-36

DEPARTMENT OF THE TREASURY

Investment in National Consumer Cooperative Bank

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, \$55,849,284 are rescinded.

During 1981, within the resources available, gross obligations of the National Consumer Cooperative Bank Fund for the principal amount of direct loans shall not exceed \$55,849,284. No further commitments to guarantee loans shall be made during 1981.

Deferral No: 081-72

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President Bureau Appalachian Regional Development Programs Appropriation title & symbol Appalachian Regional Development Program 11.0050	New budget authority / P.L. 93-344 / Other budgetary resources Total budgetary resources	\$ 339,300,000 50,233,279 389,533,279
OMB identification code: 11-0090-0-1-482	Amount to be deferred: Part of year Fiscal year	\$ 10,000,000
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

NATIONAL CONSUMER COOPERATIVE BANK

Self-help Development and Technical Assistance

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1980, and the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1981, \$25,990,000 are rescinded.

During 1981, within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$5,700,000.

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. As part of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens, the non-highway activities of the Commission will be proposed for termination in 1981.

Funds associated with non-highway activities will be deferred for the remainder of FY 1981. These funds will be available in 1982 and subsequent years to pay the termination costs for this account.

Estimated Effect: This deferral action will provide for termination costs associated with elimination of funding that will be proposed for the Appalachian Regional Commission.

Outlay Effect: This deferral action will shift an estimated \$5.9 million in FY 1981 outlays into FY 1982.

Deferral No: 001-80

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency	DEPARTMENT OF COMMERCE	New budget authority (P.L. 95-535)	\$ 135,000,000
Bureau	Maritime Administration	Other budgetary resources	170,211,253
Appropriation title & symbol	Ship Construction 1211702	Total budgetary resources	305,211,253
Amount to be deferred:		Part of year	\$ 90,000,000
Entire year			
OMB identification code:	13-1702-0-1-403	Legal authority (in addition to sec. 10113):	<input type="checkbox"/> Antideficiency Act
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
Type of account or fund:		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification:

This appropriation provides for the payment to U.S. shippers of construction differential subsidies (CDS) which enable the construction or reconstruction of ships for U.S. citizens at prices comparable to those which would be paid for equivalent ships constructed in foreign shipyards.

Funds totaling \$92,000,000 will be deferred for the remainder of FY 1981 and made available for obligation in FY 1982. This deferral action assumes that two ships will be contracted for in FY 1982, a comparable, but somewhat reduced program level from FY 1981.

The Administration plans a full review of maritime policies and the specific uses of these deferred funds will flow from the revised policies.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions.

Estimated Effect:

This deferral action will delay the contracting for construction of two new ocean-going vessels and may preclude the Government subsidization of pollution retrofits on privately-owned subsidy-operated tankers. Since ship construction activity is up, there should be minimal impact from this deferral.

Outlay Effect:

This deferral action will shift an estimated \$21 million in 1981 outlays into 1982 and \$16 million in 1982 outlays into 1983.

Deferral No: 001-81

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency	Department of Defense -- Civil	New budget authority (P.L. 95-383)	\$ 1,585,742,000
Bureau	Corps of Engineers -- Civil	Other budgetary resources	189,419,708
Appropriation title & symbol	Construction, general 0433122	Total budgetary resources	1,775,161,708
Amount to be deferred:		Part of year	\$ 10,000,000
Entire year			
OMB identification code:	04-3122-0-1-301	Legal authority (in addition to sec. 10113):	<input type="checkbox"/> Antideficiency Act
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
Type of account or fund:		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: This appropriation is devoted primarily to the construction of water resources development projects throughout the nation.

Funds totaling \$10,000,000 will be deferred for the remainder of FY 1981. This will preclude further construction activity on three projects under construction which have been proposed for termination: Mad River Waterway, LA; Yatawville, KY; and Big South Fork National River and Recreation Area, KY and TN. The funds deferred in FY 1981 will be utilized in FY 1982 to efficiently close down activity on these three projects.

This deferral is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: As a result of this deferral, no further construction contracts will be awarded and action will commence to shut down all construction activity for these projects.

Outlay Effects: This deferral will shift an estimated \$10.0 million in 1981 outlays to 1982.

101-82

Deferral No: 081-82

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 94-344

Estimated Effect: No new HEFLI loans will be initiated during 1981.
Outlay Effect: This deferral action has no significant effect on outlays.

Agency Department of Education	New budget authority \$ ---
Bureau Office of Postsecondary Education	(PI) 69,894,102
Appropriation title & symbol	Other budgetary resources
Higher Education Facilities Loan and Insurance 9130240	Total budgetary resources 69,894,102
OMB identification code: 91-0540-0-1-502	Amount to be deferred: \$ ---
Grant program	Part of year
Type of account or fund: Annual	Entire year
Legal authority (in addition to sec. 1013): Antideficiency Act	25,000,000
Type of budget authority: Appropriation	
Type of account or fund: Multiple-year (exp. on date)	
Contract authority	
Other	

Justification: The higher education facilities loan program authorizes loans for construction of academic facilities in higher education institutions. The Department of Education pays a variable rate of interest to the Department of Treasury on appropriations which established the fund between 1965 and 1969. This rate is currently 1 1/4 percent. No new appropriations have been provided for the program since 1969 and no new loans have been made since 1972.

The interest rate charged to participating institutions under this program was three percent, and will be four percent for any new loans as required by the Education Amendments of 1980. The deficit in the interest expense is met by drawing funds from unobligated balances in the Higher Education Facilities Loan and Insurance (HEFLI) account. The unobligated balance has declined from \$123 million in 1973 to \$43.5 million in 1980, and will decline to \$29.4 million at the end of 1981 and to \$6.7 million at the end of 1982. The balance will soon be exhausted, and additional appropriations will be required to meet the interest expense to the Department of the Treasury.

If any HEFLI funds are made available for new lending activity, the depletion of the fund will be accelerated and additional appropriations would be required to meet mandatory interest expenses in 1982. Further loans from the HEFLI account will also increase interest paid to the Treasury in proportion to the size of the new loans.

Because of these considerations, the Administration does not want to initiate new lending activity under this program in 1981. A proposal to this effect is now before the Congress.

Deferral No: 081-23A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-344

Agency	Department of Energy	New budget authority	\$ 2,937,323,000
Bureau	Atomic Energy Defense Activities	(P.L. 96-367 & P.L. 96-369)	
Appropriation title & symbol	Atomic Energy Defense Activities, Operating Expenses 8930220	Other budgetary resources	795,795,260
		Total budgetary resources	3,643,115,260

Amount to be deferred:
Part of year \$ _____
Entire year \$ *10,000,000

Legal authority (in addition to sec. 1013):
 Antideficiency Act
 Other _____

Type of budget authority:
 Appropriation
 Contract authority
 Other _____

Grant program Yes No
Type of account or fund:
 Annual
 Multiple-year _____ (expiration date)
 No-year

Justification: * This deferral action of FY 1981 funds into FY 1982 reflects a decision to rescope the inertial fusion program and to focus on near term R&D, utilizing current facilities. This deferral action permits an orderly phase-down to a lower recommended funding level for inertial fusion in FY 1982, consistent with the above strategy. Advanced technology development activities (which anticipate the construction of large future demonstration facilities) will be phased out.

Estimated Effects:
* Reduction in force of 106 contractor personnel in this program; partial absorption by weapons R&D program.
* Reduction in glass laser development contracting planned for FY 1981 not yet let.
* Phase out of the efforts in Advanced Driver Technology evaluation.

Estimated Outlay Effects:
This deferral action will have the effect of shifting \$10 million in outlays from FY 1981 into FY 1982.

* Revised from previous report.

081-23A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 081-29, transmitted to the Congress on January 15, 1981.

This revision to a deferral for Atomic energy defense activities, operating expenses in the Department of Energy increases the amount previously reported as deferred from \$5,000,000 to \$10,000,000. This increase of \$5,000,000 reflects the President's decision to scale back and redirect the inertial fusion program.

081-33A

Deferral No: 80-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 081-33, transmitted to the Congress on January 15, 1981.

This revision to a deferral for fossil energy construction funds in the Department of Energy increases the amount previously reported as deferred from \$42,000,000 to \$205,000,000. This increase of \$163,000,000 reflects a decision to defer funds intended for the SEC II coal liquefaction plant pending conclusion of consultations with international participants in the project and consideration of possible funding support for the project by the Synthetic Fuels Corporation.

Agency Department of Energy	New budget authority (P.L. 93-344, Sec. 514)	\$1,485,000,000
Bureau Energy Programs	Other budgetary resources	23,669,194
Appropriation title & symbol	Total budgetary resources	1,508,669,194
Strategic Petroleum Reserve 8930218	Amount to be deferred: Part of year	\$ 8,000,000
	Entire year	
OMB identification code: 99-0218-0-1-274	Legal authority (in addition to sec 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This account finances the development of the Strategic Petroleum Reserve, including all acquisition and transportation, facilities development, planning and administration. On October 1, a reserve of 35 million was established to provide for unanticipated costs associated with the development of facilities for Phase II of the Reserve. These funds will be made available as the need arises.

This routine reserve was established in accordance with the provisions of the Antideficiency Act (31 U.S.C. 665) which provides for the establishment of reserves for contingencies. This deferral action was not reported earlier due to an administrative oversight.

Estimated Effects: This deferral action will have no programmatic or budgetary effects.

Outlay Effects: This deferral action has no effect on outlays.

Deferral No: 081-33A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-504

Agency: Department of Energy	New budget authority (P.L. 95-514): \$ 523,300,000
Bureau: Energy Programs	Other budgetary resources: 153,706,000*
Appropriation title & symbol: Fossil Energy Construction 8810214	Total budgetary resources: 586,006,000*
	Amount to be deferred: \$ _____
	Part of year: _____
	Entire year: \$205,000,000*
OMB identification code: 89-2016-0-1-271	
Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Justification:*

Under the Administration's synthetic fuels policy all funding for fossil energy demonstration projects currently being supported in the Department of Energy would be terminated. These and other advanced synthetic fuel technology projects will be considered by the Synthetic Fuels Corporation for support as less than full-sized synthetic fuel project modules. In the case of the SRC II coal liquefaction plant, no resission can be proposed until consultations with the international participants in this project have been completed. The construction funds appropriated in FY 1981 and prior years are deferred pending completion of these consultations.

Estimated Effects:*

This deferral of FY 1981 and unobligated prior year construction funds will have no effect on the completion of the detailed design currently scheduled for completion in 1983 or the completion and final decision on required environmental impact statement for this project. Some construction phase activities (e.g., long lead procurement) will be delayed pending conclusion of international consultations and possible consideration of this project by the SRC.

Outlay Effects:*

This deferral action will have the effect of shifting \$60 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

Deferral No: 281-5A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-504

Agency: Department of Housing and Urban Development	New budget authority (P.L. 95-526): \$44,650,000
Bureau: Policy Development and Research	Other budgetary resources: 10,024,529
Appropriation title & symbol: Research and Technology 861/23108 866/10108	Total budgetary resources: 54,674,529
	Amount to be deferred: \$ _____
	Part of year: _____
	Entire year: 5,000,000
OMB identification code: 88-0108-0-1-451	
Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1981 (expiration date) September 30, 1982 <input type="checkbox"/> No-year	
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

Justification: In accordance with the Administration's plan for reducing Federal spending \$5,000,000 in funds awarded for low priority research and technology projects are deferred the remainder of this fiscal year. The deferred funds will be available for research activities in FY 1982, thereby reducing the amount of appropriated funds requested for that year.

Estimated Effects: This reduction in the amount of funding available for research activities will mean that fewer contracts can be awarded, resulting in fewer analyses of program performance and related topics. Research efforts will be concentrated on high priority projects with a foreseeable use of the end product.

Outlay Effects: This deferral action will reduce outlays by \$1.0 million in FY 1981 and \$3.6 million in FY 1982.

Deferral No.: 001-85

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-344

Agency: Department of Justice	New budget authority (P.L. 95-535)	\$ 29,432,000
Bureau: General Administration	Other budgetary resources	3,451,000
Appropriation title & symbol	Total budgetary resources	42,884,000
Salaries and Expenses 1510129	Amount to be deferred: Part of year	\$ 7,485,000
	Entire year	
OMB identification code: 15-0129-01-751	Legal authority (in addition to sec 1011):	<input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
		<input type="checkbox"/> Contract authority
		<input type="checkbox"/> Other

Justification: This appropriation finances administrative activities of the Department of Justice as well as the Federal Justice research program. In accordance with the goals of the Administration to reduce unnecessary government spending, the Department of Justice is deferring \$7,485,000 in new budget authority pending transfer of these funds to offset supplemental requirements in the Federal Bureau of Investigation. The major program elements affected by the deferral are the State and Local Drug Grant Program (\$5,185,000) and the Special Management Studies Program (\$1,300,000). An additional reduction for the State and Local Drug Grant Program of \$145,000 will be taken by reducing pending supplemental requests.

Estimated Effect: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral action has no net effect on outlays.

Deferral No.: 001-86

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-344

Agency: Department of Justice	New budget authority (P.L. 95-535)	\$ 334,800,000
Bureau: Federal Prison System	Other budgetary resources	12,224,000
Appropriation title & symbol	Total budgetary resources	346,824,000
Salaries and Expenses 151060	Amount to be deferred: Part of year	\$ 4,385,000
	Entire year	
OMB identification code: 15-1060-0-1-753	Legal authority (in addition to sec 1011):	<input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
		<input type="checkbox"/> Contract authority
		<input type="checkbox"/> Other

Justification: This appropriation finances expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions. In accordance with the goals of the Administration to reduce unnecessary government spending, \$4,385,000 in savings realized from reductions in personnel, procurement and contracting is being deferred pending congressional action on a request to transfer these funds to offset supplemental requirements for the Immigration and Naturalization Service.

Estimated Effects: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effects: This deferral action has no net effect on outlays.

081-364

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. 081-36 transmitted to the Congress on January 15, 1981.

The amount deferred for Employment and Training Assistance in the Department of Labor is \$729,797,000, an increase of \$53,688,000 over the amount previously deferred. This increase is attributable to decisions to (a) phase out the Public Service Employment program funded under title II-D of this account by the end of fiscal year 1981, and (b) discontinue welfare reform demonstration programs started under the previous administration.

Deferral No: 081-87

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P. L. 93-344

Agency Department of Justice Bureau Office of Justice Assistance, Research, and Statistics Appropriation title & symbol Law Enforcement Assistance 1500400	New budget authority (P.L. 96-536) \$ 127,845,000 Other budgetary resources 43,800,590 Total budgetary resources 171,645,590 Amount to be deferred: Part of year \$ 670,000 Entire year _____
OMB identification code: 15-0400-0-1-754	Legal authority (in addition to sec 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify in detail) <input checked="" type="checkbox"/> No-year	

Justification: This appropriation finances grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979 and Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 as well as administrative functions to carry out these activities. Savings realized from employment and procurement reductions amount to \$670,000. These funds are deferred pending transfer to help offset supplemental requirements for the Immigration and Naturalization Service.

Estimated Effects: The effect of this deferral will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral action has no effect on outlays.

D81-36A

Deferral No: D81-36A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 2013 of P.L. 96-344

Agency Department of Labor	New budget authority (P.L. 96-335)	\$6,987,345,000
Bureau Employment and Training Administration	Other budgetary resources	136,460,000
Appropriation title & symbol	Total budgetary resources	7,123,805,344
Employment and training assistance 151/20174	Amount to be deferred: Part of year	\$
	Entire year	729,187,000*
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 2013): <input type="checkbox"/> Antideficiency Act	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1982 (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:*

In addition to the \$76,699,000 previously reported as deferred, an additional \$652,488,000 of the amount made available by the Continuing Resolution (P.L. 96-336) through June 5, 1981 is now deferred. If the financing levels provided by the Continuing Resolution were to be continued beyond June 5, 1981, an additional \$21,988,000 would be deferred. The deferral is being accomplished both by an appointment reserve of unobligated balances and by other management actions which will prevent the expenditure of appropriations.

This appropriation provides for a system of Federal, State, and local programs of training and other services for economically disadvantaged, unemployed, and underemployed persons intended to lead to permanent gains in employment and increased self-sufficiency. The additional amount deferred reflects a decision to phase out by the end of 1981 those programs funded by this appropriation that have proven ineffective in providing the disadvantaged with skills marketable in the private sector or that are not relevant to current program directions.

The major program involved in the title II-D Public Service Employment program. This program is being phased out because it has proven not to lead to placement in the private sector and not to show as substantial long-term returns to individuals as do some training programs. The phase out will be accomplished by freezing enrollments, allowing for attrition, and, if necessary, laying off participants. It has also been decided to terminate the welfare reform demonstration programs developed by the previous administration to test aspects of its welfare proposals. The projects will be phased out as quickly as possible. This administration is not renewing the proposal these expensive demonstrations were intended to test.

The amounts are to be deferred for the entire year. Their availability in 1982 will decrease the need for budget authority for continuing other programs financed under this account.

Estimated Effects:*

In the title II-D Public Service Employment program, 1981 enrollment would average 146,670, compared to the 213,200 funded by the Continuing Resolution. The twelve welfare reform and other demonstrations at several sites will be phased out.

Outlay Effects:*

Current outlay estimate for 1981:

Under current deferral	7,400,000,000
Under revised deferral	6,856,177,000
Additional 1981 outlay savings	543,823,000

* Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency Department of Transportation	New budget authority (P.L. 95-300)	\$10,788,659
Bureau Office of the Secretary	Other budgetary resources	3,075,712
Appropriation title & symbol Transportation Planning, Research, and Development 63X0142	Total budgetary resources	13,864,371
OMB identification code: 65-5012-0-1-407	Amount to be deferred: Part of year \$ _____ Entire year 1,040,000	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	

JUSTIFICATION: This appropriation provides for the conduct of research activities concerned with planning, analysis, and information development needed to support the development of national transportation policies. As part of the President's program to reduce Federal spending, obligations under this program will be slowed with greater reliance being placed on the results of studies and research being carried out by the operating administrations.

Estimated Effects: This deferral will not jeopardize the effective exercise of policy formulation and leadership responsibilities of the Secretary, but reflects a slowdown in research conducted in the Office of the Secretary in 1981. The reserved funds will be applied to the 1982 request by reducing the appropriation requested for research and development.

Outlay Effects: This deferral action will have the effect of shifting \$520,000 in 1981 outlays into 1982 and a like amount from FY 1982 into FY 1983.

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of P.L. 93-344.

This report revises Deferral No. 081-17A transmitted to the Congress on December 2, 1980.

The amount currently deferred for Facilities and Equipment for the Federal Administration is \$355,783,045. The decrease of \$3,642,955 from the amount previously reported as deferred reflects a release of \$14,893,000 and a subsequent increase in the amount deferred of \$6,250,000.

This revision to the previous report is necessary to report a change in the justification for \$30 million of the funds currently deferred. This amount is now reserved as a part of the Administration's program for reducing Federal spending.

Deferral No: 081-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 96-344

Agency	Department of Transportation	New budget authority (P.L. 96-344)	\$ 25,000,000
Bureau	Federal Highway Administration	Other budgetary resources P.L. 96-400	55,358,177
Appropriation title & symbol	Trust Fund Share of Other Highway Programs	Total budgetary resources	37,500,000
6903009		Amount to be deferred:	
		Part of year	\$
		End of year (estimated)	21,500,000

OBS identification code: _____
 Grant program: Yes No

Legal authority (in addition to sec. 1013):
 Antideficiency Act
 Other _____

Type of account or fund:
 Annual Sept. 30, 1981
 Multiple-year Sept. 30, 1982 (separate rows)
 No-year Sept. 30, 1983
 Sept. 30, 1984

Type of budget authority:
 Appropriation
 Contract authority
 Other _____

Justification:

Section 129 of the Federal-aid Highway Act of 1973 authorized the Secretary to establish criteria for the location and construction or reconstruction of a National Scenic and Recreational Highway designated as the Great River Road. A single continuous route was designated which runs through all ten States bordering the Mississippi River.

The Surface Transportation Assistance Act of 1978 provides authorizations of \$10 million in general funds and \$25 million in Highway Trust Funds for each of the fiscal years 1979 through 1982. The general fund authorizations require an appropriation to become available. The trust fund authorizations are contract authority and become available on the first day of the fiscal year for which authorized. Current budgetary resources for FY 1981 total \$90.4 million, all of which is against trust fund authority. This consists of \$25 million of new authority for FY 1981 plus \$65.4 million in unobligated balances from prior year authorizations. Section 311 of the Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) limits FY 1981 obligations to \$37.5 million.

All segments of the Great River Road other than access tours have been designated as being on the Federal-aid System and may be improved using regular Federal-aid funds. The discrete Great River Road program is duplicative and unnecessary.

Deferral No: 081-178

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 96-344

Agency	Department of Transportation	New budget authority (P.L. 96-400)	\$ 350,000,000
Bureau	Federal Aviation Administration	Other budgetary resources	387,533,045
Appropriation title & symbol	Facilities & Equipment (Airport and Airway Trust Fund)	Total budgetary resources	737,533,045
690/48107		Amount to be deferred:	
690/28107		Part of year	\$ -0-
690/38107		End of year	355,783,045

OBS identification code: _____
 Grant program: Yes No

Legal authority (in addition to sec. 1013):
 Antideficiency Act
 Other _____

Type of account or fund:
 Annual 9/30/82
 9/30/83
 9/30/84
 Multiple-year 9/30/82-84 (separate rows)
 No-year

Type of budget authority:
 Appropriation
 Contract authority
 Other _____

JUSTIFICATION:

Funds from this account are used to procure specific congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient \$85.8 million will be available in future periods to complete these projects. Of the \$85.8 million deferred for the remainder of this fiscal year, \$335.8 million is reserved in accordance with the congressional intent to provide multi-year funding for the total costs of these projects. This amount is reserved for program requirements in subsequent years pursuant to the provisions of the Antideficiency Act (31 U.S.C. 665). The remaining \$30.0 million is reserved as part of the Administration's program for reducing Federal spending. This amount will be used to help offset requirements for additional new budget authority in fiscal year 1982.

Estimated Effects:

The deferral of \$355.8 million is consistent with the normal operation of this program and has no budgetary or programmatic effects. Deferral of the remaining \$30 million will delay the installation of new equipment and provision of new facilities at sites that are considered to be of lower priority or not in compliance with minimum FAA criteria for the program.

Outlay Effects: This deferral action will reduce fiscal year 1981 outlays by \$7.5 million.

* Revised from previous report.

Deferral No: 051-90

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-944

Agency	Department of Transportation	New budget authority (P.L. 95-944)	\$ 50,000,000
Bureau	Federal Railroad Administration	Other budgetary resources	13,145,680
Appropriation title & symbol	Railroad Research and Development 69X0745	Total budgetary resources	63,145,680
OMB identification code:	65-0745-0-1-401	Amount to be deferred:	\$
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Part of year	
Type of account or fund:	<input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input checked="" type="checkbox"/> No-year	Estimate year	383,000
Legal authority (in addition to sec. 1013):	<input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other		
Type of budget authority:	<input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other		

Justification: This appropriation is devoted to four basic railroad research and development objectives: (1) improvements in the safety of train operations; (2) improvements in the area of freight operations; (3) improvements in rail passenger systems; and (4) development of policies that assist railroads, labor, and shippers in identifying and overcoming various problems. A research and development facility, the Transportation Test Center in Pueblo, Colorado, is operated in support of the Department of Transportation and other Government agencies.

Savings associated with reductions in staffing, restrictions on travel, and reductions in equipment and the use of consulting services total \$383,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982.

Estimated Effects: This deferral action will preserve the savings realized during FY 1981 and allow a reduction in the FY 1982 budget request for administrative expenses.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by \$383,000.

081-89

2

All unobligated balances remaining available as of March 10, 1981, are deferred. Effective upon that date, all obligational activity was suspended and will remain so through the remainder of this fiscal year. Actual obligations through this date are not yet known, but are estimated to be \$16 million, leaving an unobligated balance of \$21.5 million under the obligation limitation. Until the final balance is known, this estimated amount is being shown as the deferred authority.

This deferral action is an integral component of the President's economic program announced on February 18. The withholding of obligational authority for this program for the remainder of FY 1981 will assist in reducing Federal spending.

Estimated Effects: The deferral of an estimated \$21.5 million in FY 1981 will cause some or all of the ten States eligible for funding under this program to delay or cancel highway projects planned for the remainder of this fiscal year. However, virtually all of these projects are eligible for funding under the regular Federal-aid Highways program.

Outlay Effects: This deferral action will shift an estimated \$6.5 million in FY 1981 outlays into FY 1982.

081-91

Deferral No: 081-91

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 3013 of P.L. 95-544

Outlay Effects: This deferral action will result in a FY 1981 outlay reduction of \$8 million from low volume branch lines and \$341,000 from administrative expenses.

Agency Bureau Department of Transportation Federal Railroad Administration	New budget authority (P.L. 95-400) \$ 124,423,000
Appropriation title & symbol Rail Services Assistance 6300122	Other budgetary resources 18,931,715
	Total budgetary resources 143,354,715
	Amount to be deferred: Part of year \$ 80,000,000
	Entire year 341,000
OMB identification code: 65-0125-9-1-401	Legal authority (in addition to sec. 3012): <input checked="" type="checkbox"/> Antideficiency Act (\$341,000)
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify on form) <input checked="" type="checkbox"/> No-year	

Justification: This appropriation provides financial assistance to states for continuing rail services on low volume branch lines, providing assistance to minority businesses, monitoring Conrail and Amtrak operations, facilitating rail restructuring projects, supporting a Conrail workforce reduction program, and liquidating loan guarantee defaults.

Funds totaling \$80 million for continuing services on low volume branch lines are deferred pending congressional action on a request to divert these funds to offset FY 1981 supplemental appropriation requests in this account. The funds will be diverted as follows: (1) \$50 million to offset a supplemental of like amount for rail restructuring assistance; (2) \$25 million to offset a supplemental of like amount for Conrail's workforce reduction program; and (3) \$5 million to offset approximately half of a \$9.6 million supplemental for loan guarantee defaults. Deferral and subsequent termination of the low volume branch line program is justified on the basis that the benefits of the program are primarily local and because interstate commerce will not be disrupted.

Savings associated with staffing reductions, travel restrictions, and reductions in equipment purchases and use of consulting services total \$341,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982.

Estimated Effects: The \$80 million low volume branch line program will be discontinued, but carryover funds available in 1981 will be used to meet current commitments. The deferred funds will be used to reduce the FY 1982 budget request for appropriations for administrative costs.

Deferral No. 081-52

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency Department of Transportation Bureau Federal Railroad Administration	New budget authority (P.L. 95-344) Other budgetary resources	\$ 250,000,000 183,561,073
Appropriation title & symbol Northeast Corridor Improvement Program 650213	Total budgetary resources	533,561,073
	Amount to be deferred: Part of year	\$ _____
	Entire year	\$125,000,000
OMB identification code: 65-0123-0-1-401	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date)		

Justification: This appropriation provides for the upgrading of rail passenger service between Boston, Massachusetts, and Washington, D. C. Improvements to the Northeast Corridor include improvements to the right-of-way, associated facilities, and installation of the necessary equipment for improved operations. Major rehabilitation efforts in 1981 include route realignment, track structure, bridges, electrification, signaling, service facilities, and stations.

This deferral action is part of the Administration's effort to reduce the inflationary impact of Federal spending on the general economy by postponing lower priority activities wherever feasible. Obligation of these funds is planned for 1982.

This deferral action will preserve these funds for the remainder of this fiscal year and will allow the full amount to be applied toward reducing the 1982 appropriation request. It is consistent with the Administration's decision to reorient the program from trip time goals to safe, efficient and reliable service.

Estimated Effects: This deferral action will have the effect of delaying various improvements including bridge and electrification overhauls, track improvements, signaling and communications. It will place emphasis on those projects directly related to safe, efficient, and reliable service.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by \$25 million.

Deferral No. 081-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency Department of Transportation Bureau Urban Mass Transportation Administration	New budget authority (P.L. 95-344) Other budgetary resources	\$ 4,615,200,000 705,955,110
Appropriation title & symbol Urban Mass Transportation Fund (Urban Discretionary Grants) 650213 651/4119	Total budgetary resources	5,321,155,110
	Amount to be deferred: Part of year	\$ _____
	Entire year	\$210,000,000
OMB identification code: 65-1119-0-1-401	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date)		

Justification: The Urban discretionary grant program was authorized by the Urban Mass Transportation Act of 1974, as amended. It provides Federal financing to States and local agencies for mass transportation investments. Such investments may include construction of new, fixed guideway systems; extensions to existing guideway systems; major bus fleet expansion; emergency repairs to transit facilities resulting from natural disasters; deployment of new technology; innovative transit demonstration projects; and technical planning assistance.

The Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) provided \$7,190 million for the Urban discretionary grant program. A program level of \$1,980 million is planned in FY 1981 for these discretionary grants. This decreased program level will be made possible by deferring funds from low priority projects for the remainder of this fiscal year, and then reprogramming these funds to offset FY 1982 budget authority requirements in higher priority programs.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effects: This deferral action will reduce the 1981 program level in New States and Urban Initiatives, and through reprogramming, allow a reduction in requested FY 1982 budget authority.

Outlay Effects: This deferral action will have the effect of reducing 1981 outlays by \$20 million.

Deferral No: 001-94

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-544

Agency Bureau	Department of Transportation Research and Special Programs Administration	New budget authority (P.L. 95-544)	\$ 31,420,000
Appropriation title & symbol	Research and Special Programs 5910104 5910104	Other budgetary resources	3,162,000
		Total budgetary resources	34,582,000
		Amount to be deferred: Part of year	\$ 1,000,000
		Entire year	2,100,000
OMB identification code:	59-0100-0-1-40*	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act (\$1,000,000)	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund:	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify year) _____ <input checked="" type="checkbox"/> No-year		

Justification: This appropriation provides for the conduct of advanced research and technology. This program seeks to improve the national transportation system by the investigation of basic transportation theories and concepts, multimodal technologies and energy efficiencies, and the movement of goods through terminal areas including the development of multimodal terminals. As part of the Administration's effort to reduce Federal spending, \$2.1 million in advanced research funds will be deferred for the remainder of this fiscal year and used to reduce FY 1982 appropriations requested for research and development. In addition, \$1.0 million in funds for administrative expenses are deferred pending enactment of a supplemental request to transfer those funds to the Urban Mass Transportation Administration for increased pay costs.

Estimated Effects: This deferral action will have no significant programmatic effect on current research and program administration activities.

Outlay Effects: This deferral action will reduce FY 1981 outlays by \$2.0 million.

Deferral No: 001-95

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-544

Agency Bureau	Veterans Administration	New budget authority (P.L. 95-536)	\$ 5,020,013,000
Appropriation title & symbol	Medical Care 3810550	Other budgetary resources	45,000,000
		Total budgetary resources	5,065,013,000
		Amount to be deferred: Part of year	\$ 29,389,000
		Entire year	
OMB identification code:	38-0160-0-1-703	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund:	<input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify year) _____ <input type="checkbox"/> No-year		

Justification:

This program provides funds for operating the Veterans Administration medical system which is comprised of 172 hospitals, 13 nursing homes, 229 outpatient clinics, and 16 domiciliarys and has an average employment of 185,889 persons. This deferral action reflects a decision to defer funds for non-direct care staffing of 1,280 full-time equivalents until the fourth quarter. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effects:

Deferral of non-direct care staffing funds will have a minimal effect on various activities, including building management, medical administration, grooming, voluntary service, library, and recreation. This deferral action will have no effect on direct care services.

Outlay Effects:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: 251-26

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Veterans Administration Bureau:	New budget authority (P.L. 95-528) Other budgetary resources	\$ 122,153,000 7,963,433
Appropriation title & symbol Medical and Prosthetic Research 36010161 36120161 36030161	Total budgetary resources	140,121,433
	Amount to be deferred: Part of year	\$ 1,650,000
	Entire year	
OMB identification code: 36-0151-0-1-703	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year	September 30, 1982 September 30, 1981
	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:

This program provides funds for medical, rehabilitative, and health services research of health problems common to veterans and has an average employment of 4,443. This deferral action reflects a decision to defer staffing funds for 74 full-time equivalents until the fourth quarter of the current fiscal year. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effect:

Deferral of these staffing funds will result in postponement of low priority research activities. Essential research activities will be continued.

Outlay Effect:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: 261-57

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Veterans Administration Bureau:	New budget authority (P.L. 95-528) Other budgetary resources	\$ 51,218,000 0
Appropriation title & symbol Medical Administration and Miscellaneous Operating Expenses 3610152	Total budgetary resources	51,218,000
	Amount to be deferred: Part of year	\$ 515,000
	Entire year	
OMB identification code: 36-0151-0-1-703	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year	
	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:

This appropriation provides for the administration and supervision of Veterans Administration medical programs, the conduct of post graduate and in service training activities to support the medical programs, and the exchange of medical information with the medical-scientific community. Average employment for this account is 853. This deferral action reflects a decision to defer staffing funds for 14 full-time equivalents until the fourth quarter. These funds are deferred as part of the Administration's efforts to curtail the growth of Federal employment.

Estimated Effects:

This deferral action will have minimal effect on the management of the VA medical system.

Outlay Effect:

This deferral action will shift funds into the fourth quarter, thus permitting a reduction in the supplemental request for increased pay costs.

Deferral No: 201-28

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 91-344

Agency: Waters Administration	Agency: General Services Administration
Bureau:	Bureau:
Appropriation title & symbol: Construction, Major Projects 3680110	Appropriation title & symbol:
New budget authority (P.L. 91-344) \$ 423,774,000	New budget authority (P.L. 91-344) \$ 13,200,000
Other budgetary resources 853,523,050	Other budgetary resources
Total budgetary resources 1,277,297,050	Total budgetary resources 13,200,000
Amount to be deferred: Part of year \$ 183,493,000	Amount to be deferred: Part of year \$ 444,000
Entire year	Entire year
OMB identification code: 36-0110-0-1-703	OMB identification code: 47-0100-0-1-804
Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expansion day) <input checked="" type="checkbox"/> No-year	Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expansion day) <input type="checkbox"/> No-year
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification:

Amounts shown reflect a decision to defer contract awards through FY 1981 for nine large construction contracts, (Denver, Colo. clinical addition; New Orleans, La., clinical addition; Chillicothe, Ohio, phased facility replacement; Washington, D.C. nursing home and parking garage; Long Beach, Calif. research and education addition; Palo Alto, Calif. surgical addition; East Orange, New Jersey, facility renovation; St. Albans, New York laundry building; and Gainesville, Florida clinical and research expansion). This amount is deferred while the Administration reviews all Major Construction projects for VA medical facilities and considers alternative methods for providing readily available quality medical care for eligible veterans.

Estimated Effects:

This deferral action may result in the delay of these projects while VA's medical facility construction program is being evaluated.

Outlay Effect:

This deferral action will have the effect of shifting outlays by fiscal year as follows:

- 1981 into 1982, \$10 million;
- 1982 into 1983, \$45 million;
- 1983 into 1984, \$41 million.

Justification: This appropriation finances agency-wide audit and investigative functions to identify and correct management and administrative deficiencies within GSA. Savings of \$44,000 will be realized in this account as a result of the Federal Hiring freeze. This amount is being proposed for transfer to the Federal Supply Service as part of its revised pending enactment of the supplemental appropriation authorizing the transfer.

Estimated Effects: This deferral will preserve these funds pending Congressional action on the transfer request.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: 291-107

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 96-344

Agency: General Services Administration Bureau:	New budget authority (P.L. 96-344) Other budgetary resources	\$ 821,000
Appropriation title & symbol Allowances and office staff for former Presidents 4710105	Total budgetary resources	\$ 821,000
	Amount to be deferred: Part of year Entire year	\$ 8,000
OMB identification code: 47-0105-0-1-802	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify how) <input type="checkbox"/> No-year	Justification: This appropriation provides for the pensions, office staffs and related expenses for former Presidents and for pensions and postal franking privileges for the widows of former Presidents Harry S. Truman and Lyndon B. Johnson. Savings anticipated from a 15 percent travel reduction amount to \$8,000. These funds are deferred pending transfer to help offset supplemental requirements for the National Archives and Records Service. Estimated Effects: This deferral will preserve these funds pending Congressional action on the transfer request. Outlay Effect: This deferral action has no effect on outlays.	

Deferral No: 291-102

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 96-344

Agency: General Services Administration Bureau:	New budget authority (P.L. 96-344) Other budgetary resources	\$ 1,281,000
Appropriation title & symbol Consumer Information Center 4710104	Total budgetary resources	\$ 1,281,000
	Amount to be deferred: Part of year Entire year	\$ 50,000
OMB identification code: 47-0104-0-1-176	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify how) <input type="checkbox"/> No-year	Justification: Savings of \$10,000 will be realized in this account as a result of the Federal Hiring Freeze. This amount is being proposed for transfer to the National Archives and Records Service as part of its revised supplemental request to cover FY 1981 civilian pay increases. Accordingly, these funds are deferred pending enactment of the supplemental appropriation authorizing the transfer. Estimated Effects: This deferral will preserve these funds pending congressional action on the transfer request. Outlay Effect: This deferral action will have no effect on outlays.	

Deferral No: DB1-41A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014(c) of P.L. 96-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 96-344

This report revises Deferral No. DB1-41, transmitted to the Congress on January 15, 1981.

This revision to a deferral for the Small Business Administration's business loan and investment fund increases the amount previously reported as deferred from \$57,500,000 to \$113,400,000. This increase of \$55,900,000 in deferred funds results from a decision to decrease 1981 loan activities in accordance with the President's plan to reduce Federal spending.

Agency Small Business Administration Bureau	New budget authority (P.L. 96-536) \$ 509,000,000
Appropriation title & symbol Business Loan and Investment Fund 7300154	Other budgetary resources \$21,228,898
	Total budgetary resources 1,140,228,898
	Amount to be deferred: Part of year \$
	Entire year 113,400,000*
OMB identification code: 73-4154-0-3-376	Legal authority (in addition to sec. 10113): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input checked="" type="checkbox"/> No-year	

Justification: The Continuing Resolution (P.L. 96-536) provided \$609 million in 1981 as a capital appropriation for the Business Loan and Investment Fund. This amount would provide for direct and guaranteed loans at a level that is \$113.4 million higher than the level originally requested. These additional funds are not needed to provide an adequate credit assistance program for small businesses in FY 1981. Therefore, as a part of the Administration's effort to reduce Federal spending, \$113.4 million will be reserved for the remainder of this fiscal year and used to reduce requirements for new budget authority in FY 1982.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: The effect of this deferral will be to reduce SBA's 1981 direct business loan activity by about 23 percent and its guaranteed loan activity by about 20 percent. Despite this deferral, the level of new guaranteed loan commitments will be more than \$200 million higher than the 1980 level.

Outlay Effects: This deferral action will reduce outlays by \$88 million in FY 1981 and \$23.4 million in FY 1982.

* Revised from previous report.

Deferral No.: 081-102

DEFERENTIAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency <u>Small Business Administration</u>	New budget authority (P.L. 95-536) \$ <u>20,000,000</u>
Bureau	Other budgetary resources <u>22,164,441</u>
Appropriation title & symbol <u>Surety Bond Guarantees Revolving Fund</u>	Total budgetary resources <u>52,164,441</u>
<u>734156</u>	
OMB identification code: <u>73-4156-0-3-375</u>	Amount to be deferred: Part of year \$ _____ Entire year \$ <u>6,000,000</u>
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

Justification: The Continuing Resolution (P.L. 96-536) provided \$30 million in budget authority to enable the Small Business Administration (SBA) to provide surety bonds for contracts totalling \$1.6 billion in 1981. Under this program, SBA will guarantee a portion of the losses sustained by a surety company as a result of the issuance of a bid, payment, and/or performance bond to a small business concern on a contract up to \$1 million. The deferral of \$6 million in 1981 budget authority will still enable SBA to provide bond guarantees for contracts totalling \$1.4 billion. However, the limited availability of guarantees should serve as an additional incentive to SBA to improve the operation of this program so as to preclude continuation of the high loss rates which have occurred in recent years.

This deferral action is an integral component of President Reagan's comprehensive economic plan for spending reductions, tax reductions, and actions to remove unnecessary regulatory burdens.

Estimated Effect: The effect of this deferral will be to reduce SBA's 1981 surety bond activity by about 12%. By targeting its available resources more effectively, this reduction should have a minimal effect on SBA's ability to assist those clients who are most deserving.

Cutlay Effect: This deferral action will have the effect of shifting \$6 million in FY 1981 outlays into FY 1982.

(FR Doc. 81-7913 Filed 3-12-81; 8:45 am)

BILLING CODE 3110-01-C

Cumulative Report on Rescissions and Deferrals

March 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress. This month's report gives the status as of March 1, 1981 of 34 rescissions and 78 deferrals contained in the first five special messages for FY 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, and February 13, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totalling \$1.5 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1981, while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of March 1, 1981, \$5,281.8 million in 1981 budget authority was being deferred from obligation and another \$9.2 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the **Federal Register** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)

Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)

Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)

Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)

Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President.....	\$ 1,143.9
Rescission proposals withdrawn.....	-1,142.4
Accepted by the Congress.....	-0-
Rejected by the Congress.....	-0-

Pending before the Congress.....	\$ 1.5

TABLE A

STATUS OF 1981 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	\$ 6,871.9
Routine Executive releases (-1,585.9 million) and ad- justments (+5.0 million) through March 1, 1981.....	-1,580.9
Overtured by the Congress.....	-0-

Currently before the Congress.....	\$ 5,291.0 a.

a. This amount includes \$9.2 million in outlays for a Department of the Treasury deferral (D81-19B).

Attachments

PAGE 1	ATTACHMENT A	STATUS OF RESCISSIONS	FISCAL YEAR 1981	AS OF 03/04/81 08:57				
AS OF MARCH 1, 1981	AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT								
Council on Wage and Price Stability								
Salaries and expenses BA								
		R81-34		1,500	1 29 81			
DEPARTMENT OF COMMERCE								
National Oceanic and Atmospheric Administration								
Operations, research, and facilities BA								
		R81- 1	30,493a		1 15 81		30,493	2 13 81
National Telecommunications and Info Administration								
Public telecom facilities, planning and constructi BA								
		R81- 2	4,000a		1 15 81		4,000	2 13 81
DEPARTMENT OF COMMERCE								
	TOTAL BA		34,493				34,493	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Elementary and secondary education BA								
		R81- 4	52,150a		1 15 81		52,150	2 13 81
School assistance in federally affected areas BA								
		R81- 3	148,000a		1 15 81		148,000	2 13 81
Office of Vocational and Adult Education								
Vocational and adult education BA								
		R81- 5	11,862a		1 15 81		11,862	2 13 81
Office of Postsecondary Education								

PAGE 2	ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981	AS OF 03/04/81 08:57				
AS OF MARCH 1, 1981	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Higher and continuing education BA	R81- 7	30,989a	1 15 81		30,989	2 13 81
Student loan insurance BA	R81- 6	78,728a	1 15 81		78,728	2 13 81
DEPARTMENT OF EDUCATION TOTAL BA		321,729			321,729	
DEPARTMENT OF ENERGY						
Energy Programs						
Energy supply R&D- operating expenses BA	R81- 8	25,026a	1 15 81		25,026	2 13 81
Energy supply R&D- plant and capital equip. BA	R81- 9	3,650a	1 15 81		3,650	2 13 81
Fossil energy research and development BA	R81-10	25,450a	1 15 81		25,450	2 13 81
Energy conservation BA	R81-11	47,800a	1 15 81		47,800	2 13 81
DEPARTMENT OF ENERGY TOTAL BA		101,926			101,926	
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Health Services Administration						
Health services BA	R81-12	8,057a	1 15 81		8,057	2 13 81

PAGE	ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981	AS OF 03/04/81			
4		08 57			
AS OF MARCH 1, 1981					
THOUSANDS OF DOLLARS					
AGENCY/BUREAU/ACCOUNT					
	RESCISSION NUMBER	DATE OF MESSAGE MO DA YR			
	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS			
		AMOUNT RESCINDED			
		AMOUNT MADE AVAILABLE			
		DATE MADE AVAILABLE MO DA YR			
Office of the Director	R81-24	1 15 81	341	341	2 13 81
BA					
Alcohol, Drug Abuse, and Mental Health Admin.	R81-25	1 15 81	360a	360	2 13 81
Alcohol, drug abuse, and mental health	R81-26	1 15 81	67,140a	67,140	2 13 81
BA					
Health Resources Administration					
Health resources	R81-27	1 15 81	78,683a	78,683	2 13 81
BA					
Human Development Services					
Human development services	R81-28	1 15 81	10,000a	10,000	2 13 81
BA					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
TOTAL BA			241,080	241,080	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Housing Programs					
Congregate services program	R81-29	1 15 81	10,000a	10,000	2 13 81
BA					
OTHER INDEPENDENT AGENCIES					
Community Services Administration					
Community services program	R81-30	1 15 81	6,000a	6,000	2 13 81
BA					
Federal Mine Safety and Health Review Commission					
Salaries and expenses					
BA					

PAGE	5	ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981				AS OF 03/04/81 08:57	
		AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT MADE AVAILABLE
		Postal Service					
		Payment to the Postal Service Fund					
		BA	R81-32	250,000a		250,000	2 13 81
		Tennessee Valley Authority					
		Tennessee Valley Authority fund					
		BA	R81-33	177,000a		177,000	2 13 81
		OTHER INDEPENDENT AGENCIES					
		TOTAL BA		433,163		433,163	
		TOTAL BA		1,142,391	1,500	1,142,391	

FOOTNOTES

a. This rescission proposal was withdrawn on February 13, 1981. The funds previously proposed for rescission are being temporarily deferred. The related deferral is listed in Attachment B.

END OF REPORT

PAGE 1	AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	ATTACHMENT B -- STATUS OF DEFERRALS -- FISCAL YEAR 1981			AS OF 03/04/81 15:52		
		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE / AGENCY RELEASES	CUMULATIVE / CONGRESSIONALLY REQUIRED RELEASES
FUNDS APPROPRIATED TO THE PRESIDENT							
International Security Assistance							
	Foreign military credit sales	BA D81-23	659,250		12 2 80	-199,450	459,800
	Economic support fund	BA D81-24	1,984,500		12 2 80	-765,313	1,219,187

FUNDS APPROPRIATED TO THE PRESIDENT			2,643,750			-964,763	1,678,987

DEPARTMENT OF AGRICULTURE							
Forest Service							
	Timber salvage sales	BA D81- 1	16,481		10 1 80		16,481
	Expenses, brush disposal	BA D81- 2	37,342		10 1 80		37,342

DEPARTMENT OF AGRICULTURE			53,823				53,823

DEPARTMENT OF COMMERCE							
General Administration							
	Participation in U.S. expositions	BA D81- 3	2,867		10 1 80		
		BA D81- 3A		184	1 15 81		3,051

National Oceanic and Atmospheric Administration							

PAGE	4	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981	AS OF 03/04/81 15:52					
			AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR			
AMOUNTS IN THOUSANDS OF DOLLARS		DEFERRAL NUMBER	AMOUNT ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE / AGENCY RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Energy Programs		BA D81-30	12,000		1 15 81			12,000
Fossil energy R&D		BA D81-51	25,450a		2 13 81			25,450
Fossil energy construction		BA D81-33	42,000		1 15 81			42,000
Energy conservation		BA D81-34	10,450		1 15 81			58,250
		BA D81-52	47,800a		2 13 81			
Energy supply R&D-operating expenses		BA D81-31	23,860		1 15 81			48,886
		BA D81-49	25,026a		2 13 81			
Energy supply R&D-plant and capital equip.		BA D81-32	3,690		1 15 81			7,340
		BA D81-50	3,650a		2 13 81			
DEPARTMENT OF ENERGY		TOTAL BA	198,926					198,926
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health Services		BA D81-53	8,057a		2 13 81			8,057
Centers for Disease Control								
Preventive Health Services		BA D81-54	27,000a		2 13 81			27,000
National Institutes of Health								
National Cancer Institute		BA D81-55	13,565a		2 13 81			13,565
Nat. Heart, Lung, and Blood Institute		BA D81-56	10,324a		2 13 81			10,324
Nat. Institute of Dental Research								

PAGE	5	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981	AS OF 03/04/81 15:52	AMOUNTS IN		DATE OF MESSAGE	CONGRES-	CUMULA-	AMOUNT
				THOUSANDS OF DOLLARS	DEFERRED				
		AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	MO DA YR	SIONALLY REQUIRED RELEASES	TYVE / AGENCY RELEASES	AS OF 2-01-81
		BA D81-57	302a			2 13 81			302
		Nat. Inst. of Arthritis, Metab., and Digest. Dis							
		BA D81-58	3,232a			2 13 81			3,232
		Nat. Inst. of Neuro. and Commun. Disorders							
		BA D81-59	2,031a			2 13 81			2,031
		Nat. Inst. of Child Health and Human Development							
		BA D81-60	3,285a			2 13 81			3,285
		National Eye Institute							
		BA D81-61	2,353a			2 13 81			2,353
		Nat. Inst. of Environ. Health Sciences							
		BA D81-62	3,258a			2 13 81			3,258
		National Institute of Aging							
		BA D81-6	588a			2 13 81			588
		Research Resources							
		BA D81-6*	10,561a			2 13 81			10,561
		National Library of Medicine							
		BA D81-65	341a			2 13 81			341
		Office of the Director							
		BA D81-66	360a			2 13 81			360
		Alcohol, Drug Abuse & Mental Health Administration							
		Alcohol, drug abuse & mental health							
		BA D81-67	67,140a			2 13 81			67,140
		Construction & renovation, St. Elizabeths Hospital							
		BA D81-10	10,698			10 1 80			10,698
		Health Resources Administration							
		Health resources							
		BA D81-68	78,683a			2 13 81			78,683
		Office of Assistant Secretary for Health							
		Special foreign currency program							
		BA D81-11	8,000			10 1 80			8,000
		Human Development Services							

PAGE	6	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981	AS OF 03/04/81 15:52					
AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MD DA YR	CUMULATIVE / AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
Human development services	BA 081-69	10,000a		2 13 81				10,000
White House Conference on Children and Youth	BA 081-12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES	TOTAL BA	260,340						260,340
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program	BA 081-70	10,000a		2 13 81				10,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California Grant lands	BA 081-71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service								
Land and water conservation fund	BA 081-13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res. in Alaska	BA 081-35	10,710		1 15 81				10,710
Payments from proceeds, sale of water	BA 081-14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines	BA 081-15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR	TOTAL BA	43,365						43,365

PAGE	7	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981				AS OF 03/04/81 15:52		
		AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE / AGENCY RELEASES	CUMULATIVE ADJUSTMENTS
AGENCY/BUREAU/ACCOUNT								
DEPARTMENT OF JUSTICE								
Federal Prison System								
Buildings and facilities								
		BA	D81-16	15,750		10 1 80		
		BA	D81-16A		4,050	1 15 81		19,800
DEPARTMENT OF LABOR								
Employment and Training Administration								
		BA	D81-36	76,699		1 15 81		76,699
DEPARTMENT OF STATE								
Other								
		BA	D81-37	15,000		1 15 81		15,000
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
		BA	D81-72	3,403		2 13 81		3,403
		BA	D81-17	133,823		10 1 80		
		BA	D81-17A		240,603	12 2 80	-14,893	359,533
DEPARTMENT OF TRANSPORTATION								
		TOTAL BA		137,226	240,603		-14,893	362,936
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								

PAGE	6	ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981	AS OF 03/04/81 15:52	AMOUNTS IN THOUSANDS OF DOLLARS		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE / AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 2-01-81
				AGENCY/BUREAU/ACCOUNT	AGENCY/BUREAU/ACCOUNT								
		State and local government fiscal assistance fund											
		BA 081-18	111,773						10 1 80	-1,365		140	110,548
		0 081-19	5,485						10 1 80	0			
		0 081-19A		5,209					12 2 80	-3,959		3,959	9,165
		0 081-19B		51,062					2 13 81	-52,591			
		Bureau of the Mint											
		Construction of mint facilities											
		BA 081-20	5,730						10 1 80	-5,730			
		DEPARTMENT OF THE TREASURY											
		TOTAL BA	117,503									140	110,548
		TOTAL 0	5,485									3,959	9,165
		OTHER INDEPENDENT AGENCIES											
		Community Services Administration											
		Community services program											
		BA 081-73	6,000a						2 13 81				6,000
		Federal Emergency Management Agency											
		Emergency planning, preparedness, and mobilization											
		BA 081-21	80						10 1 80	-80			
		Federal Mine Safety & Health Review Commission											
		Salaries and expenses											
		BA 081-74	163a						2 13 81				163
		Intelligence Community Staff											
		Intelligence Community Staff											
		BA 081-38	2,000						1 15 81				2,000
		International Communication Agency											
		Salaries & expenses											
		BA 081-75	1,500						2 13 81				1,500
		Acquisition & construction of radio facilities											
		BA 081-76	1,252						2 13 81				1,252

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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
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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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



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