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federal register

Tuesday
March 17, 1981

Highlights

17009 **National Poison Prevention Week, 1981** Presidential proclamation

17023 **Energy** DOE/FERC proposes to revise its Rules of Practice and Procedure which govern the conduct of Commission proceedings; comments by 6-1-81

17071 **Grant Programs—Construction** Commerce/MBDA seeks applications under its program to operate one Regional Construction Services Project for a twelve month period beginning 7-1-81; apply by 4-17-81

17016 **Postal Service** PS publishes final international express mail rates; effective 3-22-81

17063 **Biological Products** HHS/FDA extends comment period until 5-18-81 regarding biologics regulations governing the review and classification of certain biological products

17064 **Cargo Rates** FMC publishes proposal prescribing the rate of interest to be granted as part of reparation awards in cargo misrating cases; comments by 5-13-81

17178 **Securities** Treasury/Sec'y announces auction of Series P-1983 notes

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Highlights

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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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Title 3—

The President

Proclamation 4824 of March 13, 1981

National Poison Prevention Week, 1981

By the President of the United States of America

A Proclamation

The care and protection of children is a primary responsibility of all parents. This task should not be taken lightly because the stakes are high and, often, irreversible. Such is the case when dealing with poisons and other potentially hazardous material.

Thanks to child-protection packaging and greater awareness of parents, in the past two decades we have witnessed a reduction in the accidental poisoning of children. While progress has been made, we must remain vigilant. The death of even one child due to the ingesting of poison is too many.

A tragedy involving any family's child is a tragedy for us all. Parents around the Nation should be keenly aware that the danger of accidental poisoning knows no boundary and that only parental attention to the hazards around them will protect their children from needless suffering and possible death. Even heightened community awareness, even new safety packaging, even new laws on the books are less important than strict parental supervision when avoiding a tragedy from the misuse or abuse of common pharmaceutical and household products.

By Joint Resolution on September 26, 1961 (75 Stat. 681, 36 U.S.C. 165) Congress requested that the President issue an annual proclamation designating the third week in March as National Poison Prevention Week, to alert the American people to the problems of accidental poisoning among children and urge preventive measures for their solution.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 15, 1981, as National Poison Prevention Week.

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

Ronald Reagan

[FR Doc. 81-8348
Filed 3-16-81; 8:45 am]
Billing code 3195-01-M

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.

FARM CREDIT ADMINISTRATION

12 CFR Part 611

Compensation of District Board Members

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA) publishes an amendment to its regulations pertaining to the level of compensation of district board members. FCA regulations currently provide that district board members may be compensated at a maximum rate of $125 per day. Six Farm Credit districts have requested that district director per diem be raised and at its December meeting the Policy Coordinating Committee, an advisory body within the Farm Credit System composed of district directors, recommended that the Federal Farm Credit Board increase district director per diem to a maximum level of $200. The Board received the recommendation of the Policy Coordinating Committee and directed FCA to prepare the appropriate regulations change. Since these regulations reflect only agency policy, procedure and practices concerning organization of the Farm Credit Administration, the Board found that proposed rulemaking is not required nor necessary to the public interest.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578 (202–755–2181).

Chapter VI of Title 12 of the Code of Federal Regulations is amended in Part 611 as follows:

PART 611—ORGANIZATION

§ 611.1020 is revised to read as follows:

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $200 per day plus reasonable travel, actual subsistence, and other related expenses incurred in connection with such meetings and assignments. Compensation at the regular per diem rate for normal travel time to and from board meetings and special assignments, when the distance and meeting or special assignment schedule involved require travel on any portion of the day prior to or following the meeting or special assignment date, may be allowed on a full-day basis, or on a part of a full-day basis in increments of half-days, as authorized in a policy established by the board. Travel time in excess of one full-day may be permitted under unusual conditions if provided for in the policy of the board.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,
Governor.

[FR Doc. 81–8077 Filed 3–16–81; 8:45 am]
BILLING CODE 6705–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–11676; S7–832]

Exemption of Certain Purchase or Sale Transactions Between a Registered Investment Company and Certain Affiliated Persons Thereof

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting an amendment to a rule under the Investment Company Act of 1940 to exempt from section 17(a) of the Act, provided that certain conditions are satisfied, the purchase or sale of certain securities between registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between a registered investment company and a person, which is an affiliated person of such company (or an affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors. Absent this amendment, such a transaction would be permissible only upon the issuance, pursuant to an application, of an exemptive order by the Commission.

EFFECTIVE DATE: March 10, 1981.

FOR FURTHER INFORMATION CONTACT:
Arthur J. Brown, Chief (202–272–2048) or Paul F. Roye, Esq. (202–272–3014), Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today is adopting an amendment to rule 17a–7 [17 CFR 270.17a–7] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.] to exempt from section 17(a) of the Act [15 U.S.C. 80a–17(a)] certain purchase or sale transactions between registered investment companies which are affiliated persons, or affiliated persons of affiliated persons, of each other, or between a registered investment company and a person which is an affiliated person of such company (or an affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors. The background of section 17(a) and rule 17a–7, and the reasons for proposing to amend rule 17a–7 are discussed thoroughly in Investment Company Act Release No. 11136 (April 21, 1980) [45 FR 29067, May 1, 1980]. Persons interested in more detailed discussions of the various conditions of the proposed amendment to rule 17a–7 should refer to that release.

In response to its request for comments, the Commission received and considered 9 letters. As a result of considering the comments, the Commission has determined to adopt the rule as proposed, subject to the following modifications.

First, the exemption has been made available to any investment company and a person which is an affiliated person of such investment company solely because their investment advisers are affiliated persons of each other. Several commentators pointed out that certain corporate complexes have two or more investment advisers, which may themselves be under common control. Their clients, including registered investment companies, may be deemed to be affiliated persons of one another under a theory of common control. Thus, any purchase or sale transaction where one of the participants is an investment company could be prohibited by section 17(a) of the Act. Since these circumstances appear to involve little more than a variation in corporate structure, the Commission has determined to amend rule 17a–7 so that it will apply also to an investment company and affiliated persons in a multiple-adviser corporate complex.

Second, the introductory paragraph of the proposed rule exempts transactions between separate series of a registered investment company.[1] Since there appears to be no policy reason for a distinction to be made between a complex of investment companies and separate series of a single investment company with respect to the affiliated transactions authorized by the rule, the rule has been modified. The revised language of the rule clarifies that a purchase or sale transaction could be effected between a separate series of an investment company and another investment company or other enumerated affiliated persons.[2]

The Commission has also determined to modify the principal market standard in paragraph (b) of the proposed amendment to rule 17a–7 for determining the independent current market price of securities sold pursuant to the rule. The Commission is of the view that paragraph (b) should be revised to reflect the development of the consolidated transaction reporting system ("Consolidated System") contemplated by rule 11Aa3–1 under the Securities Exchange Act of 1934 [17 CFR 240.11Aa3–1].[3] The rule retains the basic standards incorporated into the proposed amendment to rule 17a–7 to determine the independent current market price of securities sold pursuant to the rule. However, rather than categorizing the securities covered by the rule as securities traded on a national securities exchange or in the over-the-counter market, the securities are categorized as securities reported in the Consolidated System [4] and securities that are not reported in the Consolidated System.

If the security is a "reported security," the "current market price" is the last sale price with respect to such security reported in the Consolidated System prior to the proposed transaction or the average of the highest current independent bid and lowest current independent offer for such security (reported pursuant to rule 11Ac1–1 under the Exchange Act [17 CFR 240.11Ac1–1]) if there are no reported transactions in the Consolidated System that day. If the security is not a reported security and the principal market for such security is an exchange, the "current market price" is the last sale on such exchange or the average of the highest current independent bid and lowest current independent offer on such exchange if there are no reported transactions on such exchange that day. Where the security is not a reported security and is quoted in the NASDAQ System, the "current market price" is the average of the highest current independent bid and lowest independent offer reported on Level 1 of NASDAQ. For all other securities, the "current market price" is the average of the highest current independent bid and lowest current independent offer determined on the basis of reasonable inquiry. Since questions have been raised about the language of the proposed rule regarding the uncertainty involved in determining the "independent current market price" for all securities, paragraph (b) of the rule imposes a reasonable inquiry standard for determining the "independent current market price" for certain securities sold pursuant to the rule other than reported securities and non-reported securities whose principal market is on an exchange or quoted in the NASDAQ System.

The amended rule, provided that its conditions are fulfilled, exempts from the prohibition of section 17(a) of the Act any purchase or sale of certain securities (1) between registered investment companies or separate series of registered investment companies, which are affiliated persons, or affiliated persons of affiliated persons, of each other, (2) between separate series of a registered investment company, or (3) between a registered investment company or a separate series of a registered investment company and a person which is an affiliated person of such registered investment company (or affiliated person of such person) solely by reason of their having a common investment adviser or investment advisers which are affiliated persons of each other, common directors, and/or common

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[1] For purposes of rule 18f–2 [17 CFR 270.18F–2], a series company is a registered open-end investment company which, in accordance with the provision of section 18(f)(2) of the Act [15 U.S.C 80a–18(f)(2)], issues two or more classes or series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series. The individual series of such company are, for all practical purposes, separate investment companies. Each series of stock represents a different group of stockholders with an interest in a segregated portfolio of securities. *See* Investment Company Act Release No. 7276 (August 8, 1972) [37 FR 17386, August 26, 1972]. It appears that each series may be viewed as a company controlled by the same investment adviser, directors and officers and therefore series of the same investment company would be affiliated persons of each other. (Section 2(a)(8) [15 U.S.C 80a–2(a)(8)] defines the term "company" as "a fund or any organized group of persons whether incorporated or not.") Therefore, section 17(a) would be applicable to transactions involving the purchase or sale of securities between series of a single registered investment company.

[2] Paragraph (c) of the rule provides that the transactions executed pursuant to the rule must be consistent with the policy of each registered investment company as recited in its registration statement and reports filed under the Act. Since various series of an investment company may have different investment policies, paragraph (c) of the rule has been changed to also indicate that each transaction under the rule must be consistent with the investment policy of each series of an investment company participating in the transaction.

[3] *See* Securities Exchange Act Release No. 16589 (February 19, 1980) [adopting rule 11Aa3–1] [45 FR 12377, February 26, 1980].

[4] Rule 11Aa3–1 under the Exchange Act [15 U.S.C. 78a et seq.] defines a "reported security" as any listed equity security or non-listed national market system security for which a transaction reporting plan with respect to transactions in such security is required to be filed pursuant to the rule. The rule further defines a "listed equity security" as any equity security listed and registered, or admitted to unlisted trading privileges, on a national securities exchange. A "non-listed national market system security" is defined as any security or class of securities which (i) is designated as qualified for trading in a national market system pursuant to section 11A(a)(2) of the Exchange Act [15 U.S.C 78K–1(a)(2)] and the procedures established thereunder, and (ii) is not a listed equity security. As a general matter, reported securities include: (1) any common stock, long term warrant or preferred stock registered or admitted to unlisted trading privileges on either the American ("Amex") or New York ("NYSE") Stock Exchanges, (2) any common stock, long term warrant, or preferred stock registered on any exchange or admitted to unlisted trading privileges thereon which substantially meets either Amex or NYSE listing requirements and (3) any right to acquire any of the securities described in (1) and (2) which are traded on the same exchange as the eligible securities. In addition, the Commission recently has adopted rule 11Aa2–1 under the Exchange Act [17 CFR 240.11Aa2–1] and related amendments to rule 11Aa3–1 which will require, as of February 1, 1982, that last sale reports be provided for a limited number of actively traded over-the-counter securities. *See* Securities Exchange Act Release No. 17549 (February 17, 1981). Accordingly, once those securities are subject to mandatory transaction reporting, transactions in such securities covered by rule 17a–7 will be subject to the pricing restrictions applicable to securities included in the Consolidated System.

officers.[5] The rule is conditioned upon the requirements that the transaction involve a security for which market quotations are readily available and that the transaction be effected at the independent current market price of such security. The rule also requires the transaction to be consistent with the policy of each registered investment company participating in the transaction, and it requires that no brokerage commission or other remuneration be paid in connection with the transaction. However, because the Division of Investment Management will not hereafter individually review these transactions, the rule requires the directors of an investment company, including a majority of the directors who are not interested persons [6] of the investment company, to adopt procedures which are reasonably designed to ensure that all the rule's requirements have been met and to review these procedures at least annually for their continuing appropriateness.[7] Moreover, the rule requires that, at least quarterly, the investment company's directors determine whether transactions effected pursuant to the rule have satisfied the procedures which the directors have established. Finally, the rule includes certain recordkeeping requirements so that the Commission may monitor, through its inspection program, the experience of investment companies with the rule.

Several commentators recommended that rule 17a–7 be expanded to permit the sale of securities for which market quotations are not readily available. By limiting the purchases or sales authorized under rule 17a–7 to securities for which market quotations are readily available and requiring the transactions to be effected at the independent current market price for such security, the Commission believes the potential for abuse would be remote. Reliance upon such market quotations provides an independent basis for determining that the terms of the transaction are fair and reasonable to each participating investment company and do not involve overreaching. If the rule were expanded to include securities for which market quotations are not readily available, the independent basis for determining the value of securities would be eliminated. Thus, the Commission does not believe it would be appropriate presently to make the proposed change. However, since a "current market price" can be determined for many of the securities—such as certain government securities, certificates of deposit and bankers' acceptances—held by investment companies because there is an active secondary market for these securities, the amendment to rule 17a–7 should assist in the execution of intra-complex securities transactions.

Additionally, if the rule were to allow a fund's board of directors to determine that purchases and sales of debt securities could be effected at amortized cost, as was suggested by several commentators, the impact of market factors subsequent to the date each such debt security was initially purchased might not be considered. Factors such as changes in interest rates can affect the fair value of the securities. If this valuation were permitted for registered open-end management investment companies, an investor purchasing or redeeming shares could pay or receive more or less than the actual value of his proportionate share of the fund's current net assets.[8] The effect of such sales or redemptions may result in unfair dilution of the assets and returns of existing shareholders. Thus, reliance on a valuation method that does not directly take into account the market impact upon the value of securities for purposes of the rule would appear to undermine the independent basis for determining the fairness of the transaction. Accordingly, the Commission views the utilization of amortized cost valuation as incompatible with the theory upon which the exemption in rule 17a–7 is predicated. However, the Commission would be interested in receiving additional comments from interested persons as to how the purchase or sale of securities, particularly money market instruments, for which market quotations are not readily available could be included within the scope of rule 17a–7 in a manner which would provide an independent and valid basis for determining the fair value of such securities. Such comments should address alternative methods by which the fair value of such securities could be established and what factors are relevant in determining whether a particular method accurately reflects fair value. In this respect, such comments would assist the Commission in determining whether it would be appropriate for the Commission to provide any additional guidance on the valuation of debt securities by investment companies.

Authority, Effective Date

The Commission amends rule 17a–7 under the Act pursuant to the provisions of sections 6(c) [15 U.S.C. 80a–6(c)] and 38(a) [15 U.S.C. 80a–37(a)] of the Act. Because the rulemaking is exemptive in nature, the foregoing action becomes effective immediately [15 U.S.C. 553(d)(1)].

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

Text of Amended Rule

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by revising the subject heading and text of § 270.17a–7 as follows:

§ 270.17a–7 Exemption of certain purchase or sale transactions between an investment company and certain affiliated persons thereof.

A purchase or sale transaction between registered investment companies or separate series of registered investment companies, which are affiliated persons, or affiliated persons of affiliated persons, of each other, between separate series of a registered investment company, or between a registered investment company or a separate series of a registered investment company and a person which is an affiliated person of such registered investment company (or affiliated person of such person) solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common directors, and/or common officers, is exempt from section 17(a) of the Act; *Provided*, That:

(a) The transaction is a purchase or sale, for no consideration other than cash payment against prompt delivery of

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[5] The rule does not represent a Commission finding that investment companies having common officers, directors or investment advisers are always affiliated persons or affiliated persons of an affiliated person. They may or may not be, depending on the facts. The rule enables the parties to go forward without resolving that question if the requirements of the rule are met.

[6] The term "interested person" is defined in section 2(a)(19) of the Act [15 U.S.C. 80a–2(a)(19)].

[7] The Board of directors may delegate to a directorial committee or other persons associated with the investment company the drafting task of preparing recommended procedures to be considered by the board as a whole. Of course, the board is responsible for any procedures that it ultimately chooses. Moreover, in considering any recommendations in the course of making such a determination the board should request from the initial draftsmen and evaluate such information as may reasonably be necessary to determine if the procedures would comply with the requirements of paragraph (e)(1) of the rule. *Compare* sections 15 (a) and (c) of the Act [15 U.S.C. 80a–15 (a) and (c)] [procedures for directors approving an investment advisory contract]. *See Burks v. Lasker*, 441 U.S. 471, n. 10 (1979) [minimum Federal fiduciary standards apply to decisions which investment company directors may be called upon to make].

[8] *See* Investment Company Act Release No. 9786 (May 31, 1977) [42 FR 28999, June 7, 1977]; Accounting Series Release No. 118 (December 23, 1970).

a security for which market quotations are readily available;

(b) The transaction is effected at the independent current market price of the security. For purposes of this paragraph the "current market price" shall be:

(1) If the security is a "reported security" as that term is defined in rule 11Aa3–1 under the Securities Exchange Act of 1934 [17 CFR 240.11Aa3–1], the last sale price with respect to such security reported in the consolidated transaction reporting system ("consolidated system") or the average of the highest current independent bid and lowest current independent offer for such security (reported pursuant to rule 11Ac1–1 under the Securities Exchange Act of 1934 [17 CFR 240.11Ac1–1]) if there are no reported transactions in the consolidated system that day; or

(2) If the security is not a reported security, and the principal market for such security is an exchange, then the last sale on such exchange or the average of the highest current independent bid and lowest current independent offer on such exchange if there are no reported transactions on such exchange that day; or

(3) If the security is not a reported security and is quoted in the NASDAQ System, then the average of the highest current independent bid and lowest current independent offer reported on Level 1 of NASDAQ; or

(4) For all other securities, the average of the highest current independent bid and lowest current independent offer determined on the basis of reasonable inquiry;

(c) The transaction is consistent with the policy of each registered investment company and separate series of a registered investment company participating in the transaction, as recited in its registration statement and reports filed under the Act;

(d) No brokerage commission, fee (except for customary transfer fees), or other remuneration is paid in connection with the transaction;

(e) The board of directors of the investment company, including a majority of the directors who are not interested persons of such investment company, (1) adopts procedures pursuant to which such purchase or sale transactions may be effected for the company, which are reasonably designed to provide that all of the conditions of this section in paragraphs (a) through (d) have been complied with, (2) reviews no less frequently than annually such procedures for their continuing appropriateness, and (3) determines no less frequently than quarterly that all such purchases or sales made during the preceding quarter were effected in compliance with such procedures; and

(f) The investment company (1) maintains and preserves permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph (e) of this section, and (2) maintains and preserves for a period not less than six years from the end of the fiscal year in which any transactions occurred, the first two years in an easily accessible place, a written record of each such transaction setting forth a description of the security purchased or sold, the identity of the person on the other side of the transaction, the terms of the purchase or sale transaction, and the information or materials upon which the determinations described in paragraph (e)(3) of this section were made.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 10, 1981.

[FR Doc. 81–8078 Filed 3–16–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Countervailing Duties, Footwear From the Republic of Korea; Final Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and of revocation of countervailing duty order.

SUMMARY: On December 31, 1980, the Department of Commerce published a notice of "Preliminary Results of Administrative Review and Tentative Determination To Revoke" with respect to the countervailing duty order on footwear from Korea. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received no comments. Therefore, the Department of Commerce is revoking the order on the grounds that net subsidies have been *de minimis* for at least two years. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 9, 1976, a notice of "Final Countervailing Duty Determination" with respect to footwear from the Republic of Korea was published in the **Federal Register** as Treasury Decision 76–13 (41 FR 1588). On December 31, 1980, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (45 FR 85804).

Scope of the Review

Imports covered by this review are rubber and non-rubber footwear. "Rubber footwear" is that which is either: (1) over 50 percent by weight of rubber or plastics; or (2) over 50 percent by weight of a combination of fibers with rubber or plastics, with at least 10 percent by weight of rubber or plastics. Such footwear is currently classifiable under items 700.51, 700.52, 700.53, 700.54 and 700.58 (both formerly 700.55), and 700.60, Tariff Schedules of the United States (TSUS). "Non-rubber footwear" covers all other footwear classifiable under Part 1, Subpart A, of Schedule 7 of the TSUS. The review is based upon information for the period January 1977 through December 1979.

The programs found countervailable in the Final Determination were: (1) preferential short-term export financing, (2) special tax benefits provided to enterprises located in the Masan Free Trade Zone, (3) tax benefits resulting from the inclusion in loss accounts of reserve funds for losses accruing from overseas activities, and (4) accelerated depreciation of machinery and equipment utilized for export production. The preliminary results of the review specified that no firm received a net subsidy of more than 0.3 percent per annum for over a two year period. This level is considered to be *de minimis*. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise has not benefitted from a net subsidy for at least the two-year period specified in section 355.42 of the Commerce Regulations (19 CFR 355.42). As further required by this

section, the concerned manufacturers and exporters have agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy. Therefore, the Department revokes the countervailing duty order concerning footwear from Korea (T.D. 76-13) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after December 31, 1980. In addition, the Department will instruct Customs officers to proceed to liquidate all unliquidated entries from January 1, 1980 to December 31, 1980 without regard to countervailing duties.

Part 355, Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Korea" by deleting from the column headed "Commodity," the word "Footwear"; from the column "Treasury Decision," the number "76-13"; and from the column headed "Action," the words "Bounty declared."

This revocation, administrative review, and notice are in accordance with sections 751(a)(1),(c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1),(c)) and sections 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 12, 1981.

[FR Doc. 81-8201 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5202/T63; PH-FRL 1780-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Fluridone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a food additive regulation related to the experimental use of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1*H*)-pyridinone) in lakes and ponds. This extension was requested by Elanco Products Co. This rule will permit the use of fluridone in potable water while further data are collected on the pesticide.

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 28, 1980 (45 FR 57391) that a regulation had been established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluromethly)-phenyl]-4(1H)-pyridinone) in lakes and ponds at 0.01 part per million (ppm). This regulation was requested by Elanco Products Co., A Division of Eli Lilly and Co., PO Box 1750, Indianapolis, IN 46206.

The regulation was established in conjunction with an experimental use program (1471-EUP-67) that was submitted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136). Under the experimental use permit, fishing, swimming, drinking, or other use of the treated pond water was restricted for 150 days after application.

Elanco Products Co. has requested a 2-year extension of the temporary food additive regulation to permit continued testing to obtain additional data.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being extended concurrently under FIFRA. The pesticide is considered useful for the purpose for which the tolerance is sought. Accordingly, the food additive regulation permitting residues of fluridone with a limitation of 0.01 ppm is extended as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M ST. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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.

Effective date: March 17, 1981.

Dated: March 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by revising § 193.219 to read as follows:

§ 193.219 Fluridone.

A tolerance of 0.01 part per million is established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1H)-pyridinone) in potable water. Such residues may be present therein only as a result of application of the herbicide fluridone to lakes and ponds under the experimental use program which expires June 1, 1983. This program is to be conducted by Elanco Products Co. Residues remaining in potable water after June 1, 1983 will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and the food additive tolerance.

[FR Doc. 81-8097 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

21 CFR Part 561

[FAP 5H5091/T62; PH FRL 1781-3]

Tolerances for Pesticides in Animal Feed Administered by the Environmental Protection Agency; Amitraz

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends a feed additive regulation related to an experimental use permit for the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl) imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N'*-(2,4-dimethylphenyl)formamide in citrus pulp resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This regulation establishes a feed additive tolerance of 7 parts per million (ppm).

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–303, 401 M St. SW., Washington, D.C. 20460, (202–426–2635).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of September 9, 1975 (40 FR 41773) that Upjohn Co., Kalamazoo, MI 49001 had filed a feed additive petition (FAP 5H5091) with the EPA. The petition established a feed additive regulation for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 3 parts per million resulting from application of the insecticide to growing grapefruit, lemons, oranges, and tangerines in accordance with experimental use permit 1023–EUP–35.

Based on the information submitted in the original petition, the tolerance has been increased to 7 parts per million. A related document (PP5G1823/T263A) amending temporary tolerances for residues of the insecticide in or on grapefruits, lemons, oranges, tangerines, by establishing tolerances for the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm has been issued.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

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

Effective on: March 17, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: March 12, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Part 561 of 21 CFR is amended by revising § 561.195 to read as follows:

§ 561.195 Amitraz.

A temporary tolerance is established for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide and its metabolites *N'*-(2,4-dimethylphenyl)-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl)formamide in citrus pulp at 7 parts per million resulting from application of the insecticide to grapefruits, lemons, oranges, and tangerines. Such residues may be present therein only as a result of application of the insecticide in an experimental use program that expires July 17, 1981. Residues not in excess of this tolerance remaining after the expiration of this experimental use program will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and the feed additive tolerance.

[PR Doc. 81–8274 Filed 3–16–81; 8:45 am]

BILLING CODE 6560–32–M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates

AGENCY: Postal Service.

ACTION: Final international express mail rates.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service revises and generally increases all International Express Mail rates as indicated in the tables below.

EFFECTIVE DATE: March 22, 1981.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker (202) 245–4418.

SUPPLEMENTARY INFORMATION: On February 6, 1981, the Postal Service published for comment in the **Federal Register**, 46 FR 11296, a notice proposing revised rates of postage for International Express Mail Service as well as a new On Demand Service with France. The notice invited written data, views, or arguments concerning the rates and new service. However, no comments were received. Accordingly, the Postal Service adopts without change the rates of postage for International Express Mail set out in the following tables (designated Tables 1 through 17 for inclusion as separate country entries in the International Mail Manual, incorporated by reference 39 CFR 10.1).

The Postal Service does not intend to institute On Demand Service with France at this time.

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

In consideration of the foregoing, the Postal Service revises Tables 1 through 17 of the International Mail Manual to read as follows which are incorporated by reference in 39 CFR 10.1:

Table 1.—*Argentina International Express Mail*

Custom Designed Service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 2.—*Australia International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00

Table 2.—*Australia International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 3.—*Belgium International Express Mail*

Custom Designed Service [1] [2]

Up to and including (Pounds)	Rate
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.30
11	65.00
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60
30	135.30
31	139.00
32	142.70
33	146.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 4.—*Bermuda International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$26.00	1	$18.00
2	27.30	2	19.30
3	28.60	3	20.60
4	29.90	4	21.90
5	31.20	5	23.20
6	32.50	6	24.50
7	33.80	7	25.80
8	35.10	8	27.10
9	36.40	9	28.40
10	37.70	10	29.70
11	39.00	11	31.00
12	40.30	12	32.30
13	41.60	13	33.60
14	42.90	14	34.90
15	44.20	15	36.20
16	45.50	16	37.50
17	46.80	17	38.80
18	48.10	18	40.10
19	49.40	19	41.40
20	50.70	20	42.70
21	52.00	21	44.00
22	53.30	22	45.30
23	54.60	23	46.60
24	55.90	24	47.90
25	57.20	25	49.20
26	58.50	26	50.50
27	59.80	27	51.80
28	61.10	28	53.10
29	62.40	29	54.40
30	63.70	30	55.70
31	65.00	31	57.00
32	66.30	32	58.30
33	67.60	33	59.60

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 5.—*Brazil International Express Mail*

Custom Designed Service [1] [2]

Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	26	$141.50
2	33.50	27	146.00
3	38.00	28	150.50
4	42.50	29	155.00
5	47.00	30	159.50
6	51.50	31	164.00
7	56.00	32	168.50
8	60.50	33	173.00
9	65.00	34	177.50
10	69.50	35	182.00
11	74.00	36	186.50
12	78.50	37	191.00
13	83.00	38	195.50
14	87.50	39	200.00
15	92.00	40	204.50
16	96.50	41	209.00
17	101.00	42	213.50
18	105.50	43	218.00
19	110.00	44	222.50
20	114.50	45	227.00
21	119.00	46	231.50
22	123.50	47	236.00
23	128.00	48	240.50
24	132.50	49	245.00
25	137.00	50	249.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 6.—*Canada International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$26.00	1	$18.00
2	27.30	2	19.30
3	28.60	3	20.60
4	29.90	4	21.90
5	31.20	5	23.20
6	32.50	6	24.50
7	33.80	7	25.80
8	35.10	8	27.10
9	36.40	9	28.40
10	37.70	10	29.70
11	39.00	11	31.00
12	40.30	12	32.30
13	41.60	13	33.60
14	42.90	14	34.90
15	44.20	15	36.20
16	45.50	16	37.50
17	46.80	17	38.80
18	48.10	18	40.10
19	49.40	19	41.40
20	50.70	20	42.70
21	52.00	21	44.00
22	53.30	22	45.30
23	54.60	23	46.60
24	55.90	24	47.90
25	57.20	25	49.20
26	58.50	26	50.50
27	59.80	27	51.80
28	61.10	28	53.10
29	62.40	29	54.40
30	63.70	30	55.70
31	65.00	31	57.00
32	66.30	32	58.30
33	67.60	33	59.60
34	68.90	34	60.90
35	70.20	35	62.20
36	71.50	36	63.50
37	72.80	37	64.80
38	74.10	38	66.10
39	75.40	39	67.40
40	76.70	40	68.70
41	78.00	41	70.00
42	79.30	42	71.30
43	80.60	43	72.60
44	81.90	44	73.90

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 7.—*People's Republic of China International Express Mail*

Custom designed service [1] [2]		On demand service [3]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50

Table 7.—*People's Republic of China International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 8.—*France International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (Pounds)	Rate
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.30
11	65.00
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60
30	135.30
31	139.00
32	142.70
33	146.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 9.—*Federal Republic of Germany International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (Pounds)	Rate
1	$27.00
2	29.90
3	32.80
4	35.70
5	38.60
6	41.50
7	44.40
8	47.30
9	50.20
10	53.10
11	56.00
12	58.90
13	61.80

Table 9.—*Federal Republic of Germany International Express Mail*—Continued

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (Pounds)	Rate
14	64.70
15	67.60
16	70.50
17	73.40
18	76.30
19	79.20
20	82.10
21	85.00
22	87.90
23	90.80
24	93.70
25	96.60
26	99.50
27	102.40
28	105.30
29	108.20
30	111.10
31	114.00
32	116.90
33	119.80

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 10.—*Hong Kong International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 11.—*Japan International Express Mail*

CUSTOM DESIGNED SERVICE [1] [2]

Up to and including (pounds)	Rate
1	$29.00
2	33.50
3	38.00
4	42.50
5	47.00
6	51.50
7	56.00
8	60.50
9	65.00
10	69.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 12.—*Republic of Korea International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 13.—*Netherlands International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30

Table 13.—*Netherlands International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 14.—*Singapore International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 15.—*Switzerland International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40

Table 15.—*Switzerland International Express Mail*—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 16.—*Taiwan International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 17.—*United Kingdom International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including (Pounds)	Rate	Up to and including (Pounds)	Rate
1	$27.00	1	$19.00
2	29.00	2	21.90
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1776-2]

Approval and Promulgation of Implementation Plans, Prevention of Significant Deterioration of Air Quality: Partial Delegation of Authority to the State of Florida; Address Change

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Certain provisions of the Clear Air Act authorize the Administrator of the Environmental Protection Agency (EPA) to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. At 46 FR 1204, February 2, 1981, a notice was published announcing a partial delegation of authority to the

State of Florida. Under the partial delegation of PSD authority, EPA will continue to issue and enforce PSD permits for sources in Florida but the State will process and evaluate the applications for permits. This document makes address changes for the implementation of the technical and administrative portions of the PSD program.

EFFECTIVE DATE: October 27, 1980.

ADDRESSES: This amendment provides that all reports, requests, applications, submittals, and communications required for the delegated review will now be sent to the following address instead of to EPA's Region IV office: Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:

Archie Lee, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for forgoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective October 27, 1980 and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations. This rulemaking is effective immediately and is issued under authority of sections 101, 110, and 301 of the Clean Air Act (42 U.S.C. 7401, 7410, and 7601).

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.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sections 101, 110, and 301 of the Clear Air Act (42 U.S.C. 7401, 7410, and 7601))

Dated: January 20, 1981.

John A. Little,

Acting Regional Administrator.

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

Subpart K—Florida

1. In § 52.520, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(26) Request for delegation of authority for PSD submitted on September 22, 1980, by the Department of Environmental Regulation.

2. § 52.530 is amended by adding a new paragraph (c) as follows:

§ 52.530 Significant deterioration of air quality.

* * * * *

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Florida shall be submitted to the Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

[FR Doc. 81-8187 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP OE2323/R295; PH-FRL 1778-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Acephate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on mint hay at 15 parts per million (ppm) (of which not more than 1 ppm is methamidophos). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of acephate in or on mint hay.

EFFECTIVE DATE: March 17, 1981.

ADDRESSES: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 3, 1980 (45 FR 72708) that the Interregional Research Project No. 4 (IR-4) had submitted a pesticide petition (PP OE2323) to the EPA. The petition proposed that a tolerance be established for residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoramidothioate) in or on the raw agricultural commodity mint hay at 15 ppm (of which not more than 1 ppm is methamidophos). No comments or request for referral to an advisory committee were received by the agency in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981 file written objections with the Hearing Clerk, EPA, Rm. M-3708, (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

For regulations exempted from the Order:

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.

Effective on: March 17, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by inserting the following entry for "mint hay" in § 180.108 to read as follows:

§ 180.108 Acephate; tolerances for residues.

* * * * *

15 parts per million (of which no more than 1 ppm is *O, S*-dimethyl phosphoramidothioate) in or on mint hay.

[FR Doc. 81-8100 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP 8E2123/R300; PH-FRL 1780-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; O.O.-Dimethyl S-[(4-OXO-1,2,3-Benzotriazin-3 (4H)-YL) Methyl] Phosphorodithioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4H)methyl] phosphorodithioate) in or on birdsfoot trefoil and birdsfoot trefoil hay. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This rule establishes the maximum permissible level for residues of *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate) on birdsfoot trefoil at 2 parts per million (ppm) and birdsfoot trefoil hay at 5 ppm.

EFFECTIVE DATE: Effective on March 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 28, 1980 (45 FR 79119) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903 has submitted a pesticide petition 8E2123 to the EPA. The petition proposed that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish tolerances for residues of the insecticide *O,O*-dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(*4*)-yl)methyl]phosphorodithioate in or on birdsfoot trefoil at 2 parts per million (ppm) and birdsfoot trefoil hay at 5 ppm.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and it has been determined that the pesticide is considered useful for the purpose for which the tolerances are sought, and that amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before April 16, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

For regulations exempted from the Order:

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.

Effective date: March 17, 1981.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "birdsfoot trefoil" and "birdsfoot trefoil hay" in the table under § 180.154 to read as follows:

§ 180.154 O,O-dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Birdsfoot trefoil	2
Birdsfoot trefoil hay	5
* * * * *	

[FR Doc. 81-8099 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

Proposed Rules

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 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.

FARM CREDIT ADMINISTRATION

12 CFR Part 618

General Provisions

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment a proposed amendment to its regulation concerning the disposition of obsolete records. Since the U.S. Government no longer has capital in the Farm Credit banks and associations, the banks have requested the requirement for maintaining capital stock records permanently amended or deleted.

DATES: Written comments must be received on or before May 18, 1981.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION: FCA regulations currently contain the requirement for maintaining capital stock records permanently. FCA believes this requirement was retained from the time when the U.S. Government had capital in the Farm Credit banks and associations. Since the U.S. Government no longer has capital in the Farm Credit banks and associations, the banks have requested the requirement for maintaining capital stock records permanently amended or deleted. The proposed changes to the regulation provides for microfilming of records, disposition of records upon the expiration of the statute of limitation, except for capital stock transfer records, and retention of capital stock transfer records for 5 years or until the expiration of the statute of limitation, whichever is longer.

PART 618—GENERAL PROVISIONS

12 CFR Part 618 amended by revising § 618.8360 (a) to (c) to read as follows:

§ 618.8360 Authorization.

(a) Banks and associations are authorized to dispose of obsolete records not required for research, legal, or audit purposes in accordance with written procedures, except the following:

(1) Original corporate records, including articles of incorporation, bylaws, and minutes of meetings of stockholders, directors, and committees.

(2) Payroll records, including gross salary and deductions for retirement, social security, and income tax withholding.

(3) Basic personnel records, including personnel folders, service records, cards, and earnings records for all active and former employees covered under the Civil Service Retirement Act.

(4) Records required by Federal or State laws.

(5) Federal records.

(6) Financial reports of the banks and associations as of June 30 and December 31 each year.

(7) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the borrower has a significant, enforceable, and residual liability.

(8) Listing of obsolete records destroyed.

(b) If management desires, records may be retained in a form other than the original provided that the records are acceptable for legal evidence of a transaction in the jurisdiction in which the institution is located.

(c) Capital stock transfer records may be disposed of after 5 years following the date on which the stock was retired and the proceeds paid to the owner, or as required by the statute of limitation, whichever is longer. Management will determine if a longer retention period is desirable.

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,

Governor.

[FR Doc. 81-8098 Filed 3-16-81; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Regulations Policy Statements Dockets 30240 and 31333; EDR-335C, EDR-336C, and PSDR-50C]

Uniform System of Accounts and Reports for Certificated Air Carriers

Dated: March 12, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Termination of Rulemaking Proceedings.

SUMMARY: The CAB is terminating two rulemakings on the question of excluding air carriers' lobbying and institutional advertising expenditures from Board determinations of rate levels because recent legislative changes have reduced the potential effect of such exclusions. The costs to the carriers and the public of concluding these rulemakings now outweigh the benefit. The rulemakings were in response to a petition by the Aviation Consumer Action Project.

DATES: Adopted: March 12, 1981. Effective: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Robert S. Goldner, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W, Washington, D.C. 20428, 202–673–5205.

SUPPLEMENTARY INFORMATION: On December 21, 1976, the Aviation Consumer Action Project (ACAP) petitioned the CAB to amend its accounting rules (14 CFR Part 241) to require that certificated air carriers report their lobbying and institutional advertising expenditures as "nonoperating costs", *i.e.*, costs not integrally related to providing air transportation (Sec. 8(3)), which are excluded from the costs used in ratemaking determinations. ACAP felt that such costs should properly be borne by airlines' stockholders rather than paid for by passenger fares.

In 1977, the CAB issued a notice of proposed rulemaking, (EDR–335, 42 FR

46339, September 15, 1977), to require that air carriers report their lobbying expenditures in a separate "nonoperating costs" account. At the same time, the CAB issued an advance notice of proposed rulemaking (EDR-336/PSDR-50, 43 FR 46345, September 15, 1977) to solicit comments on how best to treat advertising costs for ratemaking purposes. The majority of the commenters, mostly airlines and trade associations, opposed the proposed regulation of lobbying and advertising expenditures as anti-competitive, burdensome and an unwarranted interference in air carriers' business decisions. Several of them invoked the First Amendment rights to petition and free speech. Consumer groups supported the rulemakings for the reasons argued by ACAP.

These rulemakings were issued during the time that the CAB was beginning to implement airline deregulation. As the comments indicate, the proper treatment of institutional advertising and lobbying expenses for ratemaking purposes is a sharply disputed issue. The cost effect of the question is relatively trivial, however. It has become more so since the deregulation legislation, and subsequent Board actions, have together created a system of broad zones within which the airlines are free to adjust their prices at will. The effect of the deregulation scheme of a statutorily fixed zone basis (the Standard Industry Fare Level) adjusted periodically for cost increases is that removing these disputed costs from the rate base would have only a *de minimis* effect on permissible fares in any event. At a time when the Board is moving toward complete pricing deregulation, the public benefit of resolving this detailed matter of principle and having the carriers adjust their figures accordingly would, in our judgment, be virtually nil, and would be far outweighed by the costs of doing so. We find, therefore, that it is in the public interest to terminate these rulemakings.

Accordingly, the Civil Aeronautics Board terminates the rulemaking proceedings in Dockets 30240 and 31333.

(Secs. 204, 1002, Pub. L. 85-726, as amended; 72 Stat. 743, 788; 49 U.S.C. 1324, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8200 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 1, 1b, 2, 3, 3a, 3c, 4, 12, 16, 25, 32, 33, 35, 41, 131, 152, 153, 154, 156, 157, 158, 250, 270, 271, 275, 281, 282, 284, 286, 292, 375, 385, and 388

[Docket No. RM78-22 (Part 7)]

Revision of Commission Rules of Practice; Procedures To Expedite Trial-Type Hearings

March 9, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: Federal Energy Regulatory Commission proposes to revise its Rules of Practice and Procedure which govern the conduct of Commission proceedings. The purpose of the revision is to expedite Commission proceedings and to establish uniform procedures for proceedings arising from various statutes administered by the Commission.

DATES: Hearing on May 19, 1981 at 10:00 a.m. Written comments by June 1, 1981.

ADDRESS: Comments should be sent to and hearing will be held at: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (Reference Docket No. RM78-22, Part 7).

FOR FURTHER INFORMATION CONTACT:

MaryJane Reynolds, Office of Commissioner Hughes, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8388.

Christine P. Benagh, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8606.

SUPPLEMENTARY INFORMATION:

I. Introduction and Summary

This rulemaking has three objectives. First, it proposes new procedural rules for cases which may be set for hearing. These new rules are contained in Subparts A, B, E, F, G, and T of the new Part 385. They would replace parallel provisions in Part 1.

Second, it would implement one step in the new organization for the procedural rules. It would remove from Part 1 the remaining rules of practice and place them in Subparts H, I, J, K, M, S, U, and V of Part 385. It also removes the public information regulations from Part 1 and places them in Part 388.

Third, it would make oil pipeline proceedings subject to the Commission rules with two exceptions: the ICC ex parte rule and ICC modified procedures would remain applicable to oil pipeline matters pending Commission rules on these subjects. No other procedural rules of the ICC would apply to oil pipeline proceedings.

II. Background

Since its inception in 1977, the Commission has been faced with a substantial backlog and numerous proceedings which had been pending for a number of years. In mid-1978, it undertook an examination of its decisionmaking process. To this end, the Commission established an Advisory Committee on the Rules of Practice and Procedure. One of the Subcommittees was asked to focus on the Hearing procedures.[1] The work product of that Subcommittee is the subject of this rulemaking.

There are two primary objectives in this proposed rulemaking: to create a comprehensive set of rules that can be easily understood by all persons affected by Commission action and to recommend new hearing procedures that would remove unnecessary work from the Commission's agenda and expedite decisionmaking by the Commission.

The need for reorganized and comprehensive procedural rules is compelling. The DOE Act conferred upon the Commission many functions of the old Federal Power Commission ("FPC") as well as the oil pipeline ratemaking functions of the Interstate Commerce Commission ("ICC"). Savings provisions in the DOE Act (42 U.S.C. 7295) continued the effectiveness of FPC and ICC regulations for Commission proceedings previously conducted by those agencies until such time as the Commission promulgates its own procedural rules. Accordingly, at this time, the Commission operates under two unreleated sets of rules. This, of course, is difficult and confusing for both the Commission and the public. Equally confusing is the fact that in many respects the existing rules are obsolete and do not accurately reflect current Commission practice.

Work on these proposed rules has led to the conclusion that a complete reorganization of the procedural rules was necessary to achieve a set of rules that could be easily found and understood. The general reorganization,

[1] Staff prepared two discussion drafts on revisions of the hearings procedures. These drafts were the subject of two public meetings of the Subcommittee. The drafts and transcripts of the meetings are available for inspection at the Commision's Division of Public Information.

which extends beyond the parameters of this proposed rule are described in III. *Reorganization, infra.*

The need to expedite proceedings is self-evident. Various proposals to do this are discussed in IV. *Discussion of the Proposed Rule, infra.* They include delegations to the Chief Administrative Law Judge to consolidate and sever. They would also allow the Presiding Administrative Law Judge to phase cases and to summarily dispose of issues or an entire proceeding without full hearing. Suggestions on additional ways to expedite hearings are most welcome.

The efforts in this rulemaking were directed to rules that would apply to cases which might be set for hearing. This, of course, includes rules for all types of pleadings, including petitions, applications, answers, and motions. It would require repeal of a number of the provisions in Part 1. Since the provisions proposed to be repealed were an integral part of the rules that were not being replaced, we have moved the remaining rules (those not directly involving cases which might be set for hearing) to the new Part 385. These transferred provisions are explained in more detail in Part IV, B.

III. The Proposed Reorganization

In March 1980 the Commission initiated the reorganization and updating of its Procedural Rules. It placed its rules relating to its establishment and internal management of the Commission in Subchapter W, Parts 375 and 376. Simultaneously, it revoked obsolete and parallel provisions that were previously scattered throughout Subchapter A, Parts O, 1, and 3.

This rulemaking would implement the second major step in the reorganization. It would place all Commission rules concerning the conduct of business by members of the public in a new Subchapter X. Specifically, Part 385 would contain rules of practice and procedure. Parts 386 and 387 would be reserved and Part 388 would contain the provisions concerning access to public information. It would also repeal all provisions currently found in Part 1 (except Subpart A) since these provisions would be contained in Parts 385 and 388. Part 1 would be solely for definitions and rules that are used throughout all Commission regulations.

The following chart indicates our present plan for reorganization. It includes not only the new and proposed Parts 375, 376, 385, and 388 but also indicates Parts tentatively assigned to rules which have not yet been promulgated and which are not part of this rulemaking, e.g., Part 380, Environmental Policy Act Regulations. It also indicates where some existing Commission Rules will be recodified, e.g., Part 379, Standards of Conduct for Commission Employees.

TITLE 18—CODE OF FEDERAL REGULATIONS

CHAPTER 1—FEDERAL ENERGY REGULATORY COMMISSION

Subchapter A

Part
1—Definitions Used in This Chapter.
2—General Policy and Interpretations.
3—Reserved.

Subchapter W

375—The Commission.
376—Organization, Mission and Functions, Operations During Emergency Conditions.
377—National Security Information.
378—Privacy Act Regulations.
379—Standards of Conduct for Commission Employees.
380—National Environmental Policy Act Rules.
381–384—Reserved.

Subchapter X

385—Rules of Practice and Procedure.
386—Investigations.
387—Reserved.
388—Freedom of Information Act Rules.
389–399—Reserved.

IV. Discussion of the Proposed Rule

A. *New rules on hearing procedures.* Subparts A, B, E, F, G, and T of proposed Part 385 are new provisions, often representing substantial revisions to corresponding provisions in the current regulations. Particular issues upon which the Commission has focused are highlighted below in the context of the summary of each of the revised subparts. Staff has prepared two memoranda. One discusses the derivation of the proposed rules and details distinctions between the proposed and current rules. The second is a derivation table that indicates the sections of the current rule that are being replaced by the proposed rule. Although they are not official Commission documents, they are available in the Division of Public Information to assist persons in their preparation of comments.

Subpart A of Part 385 describes the applicability of Part 385 and defines common terms used throughout the part. Subpart A also codifies Commission authority to waive its procedural rules for good cause. Some members of the Advisory Committee were concerned that abuses could arise under the waiver provision. However, the Commission believes that the public interest is protected by the Commission's recognition that it may not exercise waiver authority if to do so would unduly prejudice persons appearing before the Commission.

Subpart B contains the general rules governing tariff or rate filings, applications, complaints, petitions, protests to oil pipelines valuations, notices of tariff or rate examination, orders to show cause, protests, motions, answers, interventions, amendments, withdrawal of pleadings, and summary disposition. This subpart corresponds to portions of §§ 1.5–1.12 of the present rules, and is generally applicable whenever these procedures are used in proceedings before the Commission.

The proposed rule condenses many of the current pleadings requirements. It departs from the current rules in some respects in order to expedite, simplify or clarify the procedures. The sections regarding tariff or rate schedule filings, protests to oil pipeline valuations, notices of examinations of tariffs or rate schedules, and summary disposition (Rules 205, 208, 209 and 216, respectively) are new, although they reflect current Commission practice.

The proposed intervention rule (Rule 213) contains three changes from current practice. First, it makes intervention automatic when there is no opposition. Second, the proposed rule contains stricter standards for late interveners to discourage late intervention. Finally, under the current rule, State commissions may intervene at any time by filing a notice of intervention. We retain notice procedure for State commissions if their intervention is timely, but if they are late they must file a motion to intervene like private parties. There is some concern that the possibility that a State Commission may be denied intervention for filing late would present a more serious disadvantage to the Commission than that caused by late intervention.

Subpart B also codifies, in Rule 216, the current Commission practice of allowing summary disposition by a presiding officer of a proceeding or portion of a proceeding, even though the Commission has set the proceeding for hearing.

Subpart B, in Rule 211, requires that protests be served on the person who is the subject of the protest, but delegates to the Secretary the authority to waive the service requirement. In all cases the protest is to be placed in the public file. Certain members of the Advisory Committee expressed concern that the absence of this waiver provision might prevent persons unfamiliar with formal Commission practice from being heard

in protest to a given tariff or rate. However, the Commission believes that the Secretary should waive the service rule judiciously.

Subparts C and D are reserved for future rules. Subpart D is tentatively set aside for new discovery rules that are being developed. Pending promulgation of new rules, the existing provisions on subpoenas and depositions would be continued in effect and recodified in Rules 1905 and 1906. We note, however, that Rules 1905 and 1906 would apply to all pipeline proceedings until new discovery rules are promulgated for all Commission proceedings. We believe the need for uniform rules outweigh the inconvenience that might arise from adjusting to the existing FPC rules and then adjusting to any changes in these rules at a later time. However, we specifically seek comment on this conclusion.

Subpart E applies to proceedings which the Commission sets for hearing under the subpart. Under the proposed rule, these are proceedings in which, unless sooner disposed of, a decision is made by a presiding officer after an on-the-record hearing. Proceedings to fix rates or concerning the grant of certificates or licenses under the Federal Power Act, the Natural Gas Act, or the Interstate Commerce Act, would usually be conducted under these rules. The subpart deals with hearings, consolidation and severance, presiding officers, witnesses, testimony, exhibits, evidence, stipulations, and transcripts. The proposed rule rearranges and simplifies corresponding sections of the Commission's rules (§§ 1.20–1.27). It recodifies the substance of the current rule on evidence. However, the Commission is tentatively considering the possibility of reworking this rule to more closely conform to the *Federal Rules of Evidence* and seeks comment on initiating a separate rulemaking docket for this purpose.

Subpart E departs from the current rules in several ways. In particular, the provisions on consolidation and severance, Rule 503, would delegate this authority to the Chief Administrative Law Judge rather than to the Secretary, as in the current rule. Administrative law judges would also have the authority to phase a proceeding. Oral testimony not conducted in the presence of presiding officer and written cross-examination have been suggested to the Commission as useful ways to expedite hearings (Rule 502). The Commission does not propose their adoption in this rulemaking. They are included in Rule 506 in order to obtain comments with respect to them.

Subpart F includes provisions on conferences, offers of settlement, and settlement judges. The provisions on conferences, Rule 601, encourages pre-hearing conferences in cases set for hearing. The rules also encourage the use of a conference to reach a settlement prior to a hearing. The proposed provisions on settlement offers and settlement judges, Rule 603, contain no major substantive changes from the current rules, which were recently promulgated (Order 32, "Amendment to § 1.18 of the Rules of Practice and Procedure," 45 FR 45,902, (July 8, 1980)). The new rules add that the Oil Pipeline Board may approve or disapprove settlement offers, subject to appeal to the Commission.

Subpart G governs decisions and administrative review of decisions in proceedings set for hearing under Subpart E, and in other proceedings designated by the Commission. It contains provisions on decisions generally, participants' rights, briefs, oral argument, types of decision, exceptions to decisions, Commission review, certified questions, interlocutory appeals, rehearing, and reopening. The subpart simplifies and clarifies rules which now appear in §§ 1.29 through 1.34. The proposed rule requires the preparation of an initial decision in which a presiding officer, other than the Commission, has presided over the reception of evidence. However, the Commission may order a different decisionmaking procedure under section 557 of title 5 of the *United States Code*.

As redrafted, the rules eliminate the confusing distinctions in the current rules between intermediate, recommended, and tentative decisions. The proposed rule also affords participants the right to either file initial briefs or make oral arguments. The presiding officer is to decide which of the two options, or both, is to be granted to participants. Participants also may submit reply briefs or make oral argument unless prohibited or restricted by the presiding officer. As a general rule, participants are required to file their briefs simultaneously.

A new provision is added at the exceptions stage of a proceeding, providing that failure to take exception to an initial decision will result in a waiver of taking exception at a later time.

Subpart T applies to all Commission proceedings, rather than only those held on-the-record. It would revise the manner in which pleadings and other documents are prepared, filed, docketed, noticed, and served. It would also control time deadlines and their extension.

B. *Renumbered Provisions.* Subparts H, I, J, K, M, S, U, and V of Part 385 and all of Part 388 (which would be established by this rule) are portions of the current Rules of Practice and Procedure that the Commission proposes to renumber, without substantive change, so as to integrate them into the new organizational structure. The following chart indicates the section of current FPC regulations to which each of these subparts corresponds. The only changes made to the provisions contained in these subparts are technical, conforming and clarifying. The Commission seeks limited comment in these provisions. At this time, we merely wish to ascertain whether these renumbered provisions have been properly integrated with the newly written provisions of Subparts A, B, E, F, G, and T. The Commission requests that no comments be submitted at this time on the renumbered, but unchanged provisions. These renumbered provisions will be the subject of subsequent rulemaking. At that time, we will seek comments on the merits of these procedures. Some of these provisions were adopted by the Commission as interim rules; the renumbering proposed here would not affect that status.

Renumbered provision	Current provision
Part 385:	Part 1:
Subpart H—Shortened procedures.	§ 1.32.
Subpart I—Commission review of remedial orders.	§ 1.38.
Subpart J—Commission review of adjustment request denials.	§ 1.40.
Subpart K—Petitions for adjustment under the NGPA.	§ 1.41.
Subpart M—Cooperative procedure with state commissions.	§ 1.37.
Subpart S—Miscellaneous	§ 1.7(d), § 1.19(a), §§ 1.21, 1.23, §§ 1.24, 1.35.
Subpart U—Appearance and practice before the Commission.	§ 1.4 (except (d)).
Subpart V—Ex Parte communications; Separation of functions of staff.	§ 1.4(d), § 1.30(f).
Part 388: Public information and requests.	§ 1.36.

C. *Miscellaneous.* The proposed rule would repeal §§ 1.1 through 1.51 of the Commission's current Rules of Practice and Procedure and terminate the applicability of the Interstate Commerce Commission's procedural rules (49 CFR Part 1100, except §§ 1100.43–1100.52 and Appendix C) as they apply to oil pipeline proceedings. In addition, the proposed rule would make technical, conforming changes to cross-references throughout the substantive rules of the Commission to reflect the proposed

revisions. Finally, the proposed rule would require **Federal Register** notice of tariff and rate schedule filings by oil pipelines; therefore, the proposed rule includes a **Federal Register** notice form which oil pipeline companies would be required to submit along with their tariff and rate schedule filings.

D. *Proposed effective date.* The Commission contemplates that these proposed rules would have a delayed effective date of possibly 60–90 days after they have been adopted. They would apply to all proceedings as of that date. However, parties in proceedings that commenced prior to the effective date could, under appropriate circumstances, seek leave to conclude those proceedings under the old rules. The Commission seeks comment on this effective date treatment and particularly on the appropriate treatment of on-going proceedings.

V. Comment Procedure

Interested persons are invited to submit written comments on the proposed rule to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Comments should refer to Docket No. RM78–22 (Part 7), on the outside of the envelope and on all documents submitted to the Commission. To ensure proper consideration of their comments, it is essential that persons submitting comments should identify specifically the section and paragraph they are addressing. When persons submitting comments urge an approach different from the one proposed here, a specific alternative provision should be submitted to the extent practicable.

Fourteen copies should be submitted with the original. All comments received by the Commission by June 1, 1981, will be considered prior to the promulgation of the final rule. Written comments will be available for public inspection during business hours at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

A public hearing concerning this proposal will be held at the offices of the Commission at 825 North Capitol Street NE., Washington, D.C. on May 19, 1981, beginning at 10:00 a.m. and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m. on April 27, 1981.

Requests to participate in the hearing should reference Docket No. RM78–22 (Part 7) and should include the telephone number of the person making the request. At least five copies of the statement shall be submitted with the request to participate to the Secretary of the Commission. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and substance. The presiding officer may also limit the participation of interested persons representing similar interests to a combined presentation. Participants should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be an evidentiary-type hearing. There will be no cross-examination. The presentation will be made before a panel whose members will be designated by the Chairman of the Commission. The panel may question persons presenting statements. Any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rule will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Division of Public Information.

(Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.;* Interstate Commerce Act, 49 U.S.C. 1 *et seq.;* E.O. 12009, 3 CFR, 1977 Comp., p. 142)

In consideration of the foregoing, the Commission proposes:

(1) To terminate the applicability of the Interstate Commerce Commission's General Rules of Practice (49 *Code of Federal Regulations,* Part 1100) to oil pipeline matters, except for §§ 1100.43 through 1100.52 (modified procedures) and Appendix C to Part 1100 (*ex parte* rules); and

(2) To amend Chapter I of Title 18, *Code of Federal Regulations,* as set forth below.

By direction of the Commission.

Edward B. Frigillana,

Acting Secretary.

1. The table of contents to Chapter I of Title 18 of the *Code of Federal Regulations* is amended by revising the entry for Part 1 and by adding a new Subchapter X to read as follows:

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

SUBCHAPTER A—GENERAL RULES

Part

1 Rules of General Applicability

* * * * *

SUBCHAPTER X—PROCEDURAL RULES

* 385 Rules of practice and procedure
386 [Reserved]
387 [Reserved]
* 388 Public information and requests
389—399 [Reserved]

2. Chapter I of Title 18 of the *Code of Federal Regulations* is amended in Part 1 by removing §§ 1.1 through 1.51, inclusive and by adding paragraphs (i)–(l) to § 1.101 as set forth below. Part 1 is revised in its table of contents and authority citation to read as follows:

PART 1—RULES OF GENERAL APPLICABILITY

Subpart A—Definitions and Rules of Construction

Sec.

1.101 Definitions.
1.102 Words denoting, number, gender, and so forth.

Subpart B—[Reserved]

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.;* Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.;* Interstate Commerce Act, 49 U.S.C. 1 *et seq.;* 12009, 3 CFR, 1977 Comp., p. 142.

Subpart A—Definitions and Rules of Construction

§ 1.101 Definitions.

* * * * *

(i) "Administrative law judge" means an officer appointed under section 3105 of title 5 of the *United States Code.*

(j) "Attorney" means an attorney admitted to practice before the Supreme Court of the United States, or the highest court of any State, Territory of the United States, or the District of Columbia, or any other person with the requisite qualifications to represent others, who acts in a representative capacity for any participant before the Commission.

(k) "Person" means an individual, partnership, corporation, association, joint stock company, public trust, an organized groups of persons, whether incorporated or not, a receiver or trustee of the foregoing, a political subdivision of a State, the District of Columbia, any

territory of the United States or any agency of any of the foregoing, any agency, authority, or instrumentality of the United States (other than the Federal Energy Regulatory Commission), or any corporation which is owned directly or indirectly by the United States or any officer, agent, or employee of any of the foregoing acting as such in the course of his or her official duty. The term also includes a foreign government or any agency, authority, or instrumentality thereof.

(l) "State Commission" means the regulatory body of any State or municipality having jurisdiction to regulate rates or charges for the sale of electric energy or natural gas to consumers of for the transportation of oil by pipeline within the State or municipality.

* * * * *

Subpart B—[Reserved]

3. Chapter I is further amended by adding a new Subchapter X consisting of Parts 385 and 388 to read as follows:

SUBCHAPTER X—PROCEDURAL RULES

Part

385 Rules of practice and procedure.
386 [Reserved]
387 [Reserved]
388 Public information and requests.
389—399 [Reserved]

PART 385—RULES OF PRACTICE AND PROCEDURE

Subpart A—Applicability and Definitions

Sec.

385.101 Applicability. (Rule 101).
385.102 Definitions. (Rule 102).
385.103 References to, and citation of, rules. (Rule 103).

Subpart B—Pleadings, Tariff or Rate Filings, Notices of Tariff or Rate Examination, Orders To Show Cause, Intervention and Summary Disposition

385.201 Applicability. (Rule 201).
385.202 Types of pleadings. (Rule 202).
385.203 Content of pleadings and tariff or rate filings. (Rule 203).
385.204 Applications. (Rule 204).
385.205 Tariff or rate filings. (Rule 205).
385.206 Complaints. (Rule 206).
385.207 Petitions. (Rule 207).
385.208 Notices of protest to tentative oil pipeline valuations. (Rule 208).
385.209 Notices of tariff or rate examination and orders to show cause. (Rule 209).
385.210 Notice. (Rule 210).
385.211 Other protests. (Rule 211).
385.212 Motions. (Rule 212).
385.213 Answers. (Rule 213).
385.214 Intervention. (Rule 214).
385.215 Amendment of pleadings. (Rule 215).
385.216 Withdrawal of pleadings. (Rule 216).
385.217 Summary dispositon. (Rule 217).

Subpart C-D—[Reserved]

Subpart E—Hearings

Sec.

385.501 Applicability. (Rule 501).
385.502 Initiation of hearing. (Rule 502).
385.503 Consolidation and severance by Chief Administrative Law Judge. (Rule 503).
385.504 Duties and powers of presiding officers. (Rule 504).
385.505 Right of participants to present evidence. (Rule 505).
385.506 Examination of witnesses. (Rule 506).
385.507 Prepared written testimony. (Rule 507).
385.508 Exhibits. (Rule 508).
385.509 Admissibility of evidence. (Rule 509).
385.510 Miscellaneous provisions. (Rule 510).

Subpart F—Conferences, Settlements, and Stipulations

385.601 Conferences. (Rule 601).
385.602 Submission of settlement offers. (Rule 602).
385.603 Settlement negotiations before a settlement judge. (Rule 603).
385.604 Refusal to make admissions or stipulations. (Rule 604).

Subpart G—Decisions

385.701 Applicability. (Rule 701).
385.702 Definitions. (Rule 702).
385.703 Contents of decisions. (Rule 703).
385.704 Rights of participants before initial decision. (Rule 704).
385.705 Additional powers of presiding officer with respect to briefs. (Rule 705).
385.706 Initial and reply briefs before initial decision. (Rule 706).
385.707 Oral argument before initial decision. (Rule 707).
385.708 Initial decisions by presiding officer. (Rule 708).
385.709 Other types of decisions. (Rule 709).
385.710 Waiver of the initial decision. (Rule 710).
385.711 Exceptions and briefs on exceptions after initial decision. (Rule 711).
385.712 Commission review of initial decision in the absence of exceptions. (Rule 712).
385.713 Request for rehearing. (Rule 713).
385.714 Certified questions. (Rule 714).
385.715 Interlocutory appeals to the Commission from rulings of presiding officers. (Rule 715).
385.716 Reopening. (Rule 716).

Subpart H—Shortened Procedures

385.801 Waiver of hearing. (Rule 801).
385.802 Noncontested proceedings. Rule 802).

Subpart I—Commission Review of Remedial Orders

385.901 Scope. (Rule 901).
385.902 Definitions. (Rule 902).
385.903 Request for nondisclosure of information. (Rule 903).
385.904 Commencement of proceeding. (Rule 904).
385.905 Stay of contested order. (Rule 905).
385.906 Pleadings. (Rule 906).
385.907 New facts and issues. (Rule 907).

Sec.

385.908 Discovery. (Rule 908).
385.909 Hearing. (Rule 909).
385.910 Conduct of the hearing. (Rule 910).
385.911 Burden of proof. (Rule 911).
385.912 Proposed findings of fact, conclusions of law, and comments. (Rule 912).
385.913 Proposed order. (Rule 913).
385.914 Commission action. (Rule 914).
385.915 Ex parte communications. (Rule 915).
385.916 Withdrawal of petition for review. (Rule 916).
385.917 Sanctions. (Rule 917).

Subpart J—Commission Review of Adjustment Request Denials

385.1001 Scope. (Rule 1001).
385.1002 Definitions. (Rule 1002).
385.1003 Request for nondisclosure of information. (Rule 1003).
385.1004 Commencement of proceedings. (Rule 1004).
385.1005 Replies. (Rule 1005).
385.1006 Request for hearing. (Rule 1006).
385.1007 Presiding officer. (Rule 1007).
385.1008 Hearings. (Rule 1008).
385.1009 Proof. (Rule 1009).
385.1010 Proposed order. (Rule 1010).
385.1011 Final order. (Rule 1011).
385.1012 Ex parte communications. (Rule 1012).

Subpart K—Petitions for Adjustments Under the NGPA

385.1101 Applicability. (Rule 1101).
385.1102 Definitions. (Rule 1102).
385.1103 Commencement of proceeding. (Rule 1103).
385.1104 Initial petition. (Rule 1104).
385.1105 Intervention. (Rule 1105).
385.1106 Other filings. (Rule 1106).
385.1107 Evaluations. (Rule 1107).
385.1108 Criteria. (Rule 1108).
385.1109 Orders. (Rule 1109).
385.1110 Review of initial decision and order for adjustment. (Rule 1110).
385.1111 Conferences. (Rule 1111).
385.1112 Requests for confidential treatment. (Rule 1112).
385.1113 Interim relief. (Rule 1113).
385.1114 Motions. (Rule 1114).
385.1115 Procedural rulings. (Rule 1115).
385.1116 Appeals. (Rule 1116).
385.1117 Application for adjustment treatment as request for interpretation. (Rule 1117).

Subpart L—[Reserved]

Subpart M—Cooperative Procedure With State Commissions

385.1301 Policy. (Rule 1301).
385.1302 Notice. (Rule 1302).
385.1303 Conferences. (Rule 1303).
385.1304 Procedure governing matters referred to a board. (Rule 1304).
385.1305 Joint and concurrent hearings. (Rule 1305).
385.1306 Intervention by state commissions. (Rule 1306).

Subpart N-R—[Reserved]

Subpart S—Miscellaneous

385.1901 Interpretations and interpretative rules under NGPA. (Rule 1901).
385.1902 Appeals from action of staff. (Rule 1902).

Sec.
385.1903 Notice in rulemaking proceedings. (Rule 1903).
385.1904 Copies of transcripts. (Rule 1904).
385.1905 Subpoenas. (Rule 1905).
385.1906 Depositions. (Rule 1906).
385.1907 Reports of compliance. (Rule 1907).

Subpart T—Formal Requirements for Filings in Proceedings Before the Commission

385.2001 Filings. (Rule 2001).
385.2002 Caption of filings. (Rule 2002).
385.2003 Specifications. (Rule 2003).
385.2004 Copies of filings. (Rule 2004).
385.2005 Subscription and verification. (Rule 2005).
385.2006 Docket system. (Rule 2006).
385.2007 Time. (Rule 2007).
385.2008 Extension of time. (Rule 2008).
385.2009 Notice. (Rule 2009).
385.2010 Service. (Rule 2010).

Subpart U—Appearance and Practice Before the Commission

385.2101 Appearances. (Rule 2101).
385.2102 Suspension. (Rule 2102).
385.2103 Appearance of former employees. (Rule 2103).

Subpart V—Ex Parte Communications; Separation of Functions

385.2201 Ex Parte communications. (Rule 2201).
385.2202 Separation of functions of staff. (Rule 2202).

Subpart W-Z—[Reserved]

Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*; Public Utilities Act, of 1978, 16 U.S.C. 2601 *et seq.*; Interstate Commerce Act, 49 U.S.C. 1 *et seq.*; 12009, 3 CFR, 1977 Comp., p. 142.

Subpart A—Applicability and Definitions

§ 385.101 Applicability. (Rule 101.)

(a) *General rule.* This part contains procedural rules for filings and proceedings.

(b) *Exceptions.* (1) This part does not apply to formal investigations under Part 1b of this chapter.

(2) If a provision of Part 385 is inconsistent with another provision of this chapter, the latter provision controls.

(3)(i) Part 385 replaces the Interstate Commerce Commission *General Rules of Practice*, 49 CFR Part 1100, except that §§ 1100.42 through 1100.52 (modified procedure) and Appendix C to Part 1100 (ex parte) continue to apply to oil pipeline matters.

(ii) If a provision of Part 385 is inconsistent with a provision of Title 49 of the *Code of Federal Regulations* concerning oil pipeline matters which has not been replaced by Commission rule or order, the latter provision controls.

(c) *Waiver.* For good cause the Commission may waive, to the extent permitted by law, any provision in this part or provide for a different procedure.

§ 385.102 Definitions. (Rule 102.)

For purposes of this part:

(a) "Decisional authority," with respect to any question, means the Commission or Commission employee (including the Oil Pipeline Board) who at the time of the decision on such question has the authority or responsibility under this chapter, and under applicable provisions of Title 49 of the *Code of Federal Regulations*, to act with respect to that question.

(b) "Participant" means (1) a party, or (2) an employee of the Commission assigned to present the position of the Commission staff in a proceeding before the Commission.

(c) "Party" means (1) a person who files an application, petition, tariff or rate filing, complaint, or protest under section 19a(i) of the Interstate Commerce Act (49 U.S.C. 19a(i)), (2) a respondent to a proceeding, or (3) a person who has been permitted to intervene in a proceeding.

(d) "Presiding officer" (1) when used with respect to a proceeding set for hearing Subpart E of this chapter, means one or more of the members of the Commission or one or more administrative law judges designated to preside at such hearing, or, if no Commissioner or administrative law judge is yet designated, the Chief Administrative Law Judge; and (2) when used with respect to any other proceeding, means any employee (including the Oil Pipeline Board) designated by rule or order to conduct that proceeding.

(e) "Respondent" means (1) a person to whom an order to show cause or notice of tariff or rate examination is issued by the Commission, (2) a person against whom a complaint is directed, or (3) a person designated as a respondent by the Commission or by other provisions of this chapter.

§ 385.103 Reference to, and citation of, rules. (Rule 103.)

This part is referred to as the "Rules of Practice and Procedure." Each section of Part 385 is referred to as a "Rule." The number of each rule includes only the numbers at the right of the decimal point in the section designation. For example, "§ 385.103 *References to, and citation of, rules.*" is referred to as "Rule 103."

Subpart B—Pleadings, Tariff or Rate Filings, Notices of Tariff or Rate Examination, Orders To Show Cause, Intervention and Summary Disposition

§ 385.201 Applicability. (Rule 201.)

This subpart contains the requirements for pleadings, tariff or rate filings, notices of tariff or rate examination, orders to show cause, interventions, and summary dispositions.

§ 385.202 Types of pleadings. (Rule 202.)

Pleadings include applications, complaints, petitions, protests, notices of protest, answers, motions and amendments or withdrawals thereof.

§ 385.203 Content of pleadings and tariff or rate filings. (Rule 203.)

(a) *Requirements for all pleadings or tariff or rate filings.* Each pleading or tariff filing must include, if appropriate:

(1) If known, the reference numbers, docket numbers, or other identifying symbols of any relevant tariff, rate, schedule, contract, application, rule, or similar matters or material;

(2) The name of each participant on behalf of whom the pleading or tariff filing is made;

(3) The specific authorization or relief sought;

(4) The tariff sheets;

(5) If not previously set forth, the relevant facts;

(6) To the extent known when a pleading is filed, the position taken by the participant filing such pleading, and the basis in fact and law for such position;

(7) Subscription or verification, if required;

(8) A certificate of service under Rule 2010(h), if service is required;

(9) The name, address, and telephone number of an individual who, with respect to any matter contained in the filing, represents the person on behalf of whom the filing is made; and

(10) All other information required to be included by statute or Commission rule or order.

(b) *Combined pleadings.* If two or more pleadings are included in a single filing, each pleading must be separately designated and must conform to the requirements applicable to such pleading.

(c) *Requirements for first pleadings or tariff or rate filings.* In addition to the requirements in paragraph (a) of this section, the first pleading or tariff or rate filing filed by a participant or by a person who is seeking to become a party must include:

(1) The exact legal name of the person on whose behalf the filing is made;

(2) The location of that person's principal place of business; and

(3) The name and address of at least one, but not more than two, persons upon whom service is to be made and to whom communications are to be addressed in the proceeding.

§ 385.204 Applications. (Rule 204.)

A person must file an application to obtain a license, permit, certification, or similar authorization or permission.

§ 385.205 Tariff or rate filings. (Rule 205.)

A person must make a tariff or rate schedule filing to establish or change a specific rate, rate schedule, tariff, tariff schedule, fare, charge, or term, condition of service, classification, contract, practice, or an applicant's regulation, related thereto.

§ 385.206 Complaints. (Rule 206.)

(a) *General rule.* A person may file a complaint to seek Commission action against another person alleged to be in contravention or violation of any statute, rule, order, or other authority administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction.

(b) *Content.* In addition to the requirements of Rule 203 (content), a complaint must include the name and address of each person against whom it is directed.

(c) *Answers.* The person against whom a complaint is directed must respond to such complaint by filing an answer.

(d) *Satisfaction.* (1) If the respondent to a complaint satisfies such complaint, in whole or in part, either before or after an answer is filed, the complainant and the respondent must sign and file:

(i) A statement setting forth when and how the complaint was satisfied; and

(ii) A motion for dismissal of, or an amendment to, the complaint based on the satisfaction.

(2) The decisional authority may order the submission of additional information before acting on a motion for dismissal or an amendment under paragraph (d)(1)(ii) of this section.

§ 385.207 Petitions. (Rule 207.)

(a) *General rule.* A person must file a petition to seek Commission action:

(1) Granting relief under Subparts I, J and K;

(2) Issuing a declaratory order or rule to terminate a controversy or remove uncertainty;

(3) Granting relief from a staff action (other than a decision or ruling of a presiding administrative law judge) taken pursuant to authority delegated under this part or otherwise that would be final but for this section; or

(4) Taking other action which is in the discretion of the Commission and for which this chapter prescribes no other form of pleading.

(b) *Declarations of intent under the Federal Power Act.* For purposes of this part, a declaration of intent under section 23(b) of the Federal Power Act is treated as a petition for a declaratory order.

§ 385.208 Notices of protest to tentative oil pipeline valuations. (Rule 208.)

(a) *General rule.* A person who objects to a tentative valuation of an oil pipeline under section 19a of the Interstate Commerce Act (49 U.S.C. 19a(i)) must file the notice of protest required under that section. A notice of protest has the effect prescribed in section 19a of the Interstate Commerce Act (49 U.C.S. 19a).

(b) *Service.* A notice of protest must be served by the protestant on the oil pipeline whose tentative valuation is protested.

§ 385.209 Notices of tariff or rate examination and orders to show cause. (Rule 209.)

(a) *Issuance.* (1) When the Commission seeks to determine the validity of a rate, charge, or classification demanded, observed, charged, or collected, the Commission may initiate a proceeding by issuing a notice of tariff or rate examination.

(2) The Commission may initiate a proceeding against a person by issuing an order to show cause.

(b) *Contents.* The notice or order will contain a statement of the matters about which the Commission is inquiring, and a statement of the Commission's authority under which it is acting. The statement is tentative and for the purposes of framing issues for consideration and decision by the Commission.

(c) *Answers.* A person against whom an order to show cause is directed must answer in accordance with Rule 213 (answers).

§ 385.210 Notice. (Rule 210.)

When appropriate, the Secretary will cause notices of tariff or rate filings, applications, petitions, notices of tariff or rate examinations, and orders to show cause, to be made in accordance with Rule 2009 (notice). The notice will establish the dates for filing interventions and protests.

§ 385.211 Other protests. (Rule 211.)

(a) *General rule.* A person may file a protest who objects to an application, complaint, petition, order to show cause, notice of tariff or rate examination, or tariff or rate filing. The filing of a protest does not make the protestant a party to the proceeding. The protestant must intervene to become a party. The Commission will consider protests in determining further appropriate action. The protest will be placed in the public file associated with the proceeding, but, if a hearing is set, the protest is not part of the record upon which the decision is made.

(b) *Service.* Each protest directed against a person in a proceeding must be served by the protestant on the person against whom the protest is directed. The Secretary may waive the procedural requirements of this subpart applicable to protests; however, if the requirement of service is waived, the Secretary will place the protest in the public file and may send a copy thereof to the person against whom the protest is directed.

§ 385.212 Motions. (Rule 212.)

(a) *General rule.* Unless otherwise specifically provided, a motion may be filed at any time by a participant or by a person who has filed a motion to intervene which has not been denied.

(b) *Oral motions.* A motion must be in writing, except that the presiding officer may permit an oral motion to be made on the record during the course of a hearing or conference.

(c) *Contents.* A motion must contain a clear and concise statement of the facts and law which support the motion and of the specific relief or ruling desired.

(d) *Motions to the Commission.* The Commission will designate a member of the Commission as the motions Commissioner who will rule on motions made to the Commission (other than a motion for summary disposition or interlocutory appeal). The motion is deemed denied at the end of 30 days, unless the motion is acted upon within such period. Such Commissioner will also serve as the motions Commissioner under Rule 715 (rulings on interlocutory appeals). For purposes of this paragraph, a motion made to a subordinate official of the Commission is not considered as having been made to the Commission.

§ 385.213 Answers. (Rule 213.)

(a) *Required or permitted.* (1) An answer must be made by a respondent to a complaint or order to show cause, unless the Commission orders othewise.

(2) An answer may not be made to a protest, an answer, a motion for oral argument, or a request for rehearing, unless otherwise ordered by the decisional authority.

(3) An answer may be made to any pleading or motion not prohibited by paragraph (a)(2) of this section, except that the presiding officer may prohibit the filing of an answer to a motion for interlocutory appeal.

(4) An answer to a notice of tariff or rate examination must be made in accordance with the provisions of such notice.

(b) *Oral answers.* An answer must be in writing, except that the pleading officer may permit an oral answer to a motion made on the record in the course of a hearing or conference.

(c) *Contents.*—(1) *General answers.* An answer must contain a clear and concise statement of the disputed factual allegations and any law upon which the answerer relies. If an answer is made in response to a complaint or order to show cause, or an amendment thereto, the answerer must, to the extent practicable, admit or deny specifically and in detail each material allegation of the pleading answered, and must set forth every defense relied upon.

(2) *Answers to orders to show cause.* Mere general denials of facts referred to in an order to show cause unsupported by specific facts upon which the respondent relies will not be considered as complying with paragraph (a)(1) of this section and may be a basis for summary disposition without hearing, unless otherwise required by statute, on the ground that the respondent has raised no issues requiring a hearing or further proceedings.

(d) *Time limitations.* (1) An answer to a motion or amendment thereto must be made within 15 days after the motion or amendment is filed, unless otherwise ordered.

(2) An answer to a pleading or amendment thereto, other than an answer to a motion under paragraph (d)(1) of this section, must be made within 30 days after publication in the **Federal Register** notice of such pleading or amendment, unless otherwise ordered. In the absence of **Federal Register** publication, an answer under this paragraph must be made within 30 days after the pleading or amendment thereto was filed, unless otherwise ordered.

(e) *Failure to answer.* A person failing to answer a complaint may be considered to be in default, and all relevant facts stated in such complaint may be deemed admitted. Failure to answer an order to show cause will be treated as a general denial to which paragraph (c)(2) of this section applies.

§ 385.214 Intervention. (Rule 214.)

(a) *Filing.* (1) The Secretary of Energy becomes a party to a proceeding upon filing a notice of intervention. If the notice is not filed within the period prescribed under Rule 210 (notice), the notice must state the position of the Secretary on the issues in the proceeding.

(2) A State Commission becomes a party to a proceeding upon filing a notice of intervention, but only if such notice is filed within the period prescribed under Rule 210 (notice). After the expiration of such period, a State Commission must comply with the rules for motions to intervene applicable to a person to whom paragraph (a)(3) of this section applies, including the content requirements of paragraph (c) of this section.

(3) Any person, other than the Secretary of Energy or State Commission, who seeks to become a party must file a motion to intervene.

(b) *Contents of motion.* (1) A motion to intervene must state, to the extent known, the position taken by the movant and the basis in fact and law for such position and must state the movant's interest in sufficient factual detail to demonstrate that:

(i) The movant has a right to participate which is expressly conferred by statute or Commission, rule, order or other action;

(ii) The movant represents an interest as to which the movant may be directly affected by the outcome (which may include a movant's interest as a consumer, customer, competitor, or security holder of a party, or customer served by a party); or

(iii) The movant's participation is in the public interest.

(2) In addition to the requirements of paragraph (b)(1) of this section, a motion to intervene which is not filed within the period prescribed under Rule 210 (notice) must state the position of the movant, if know, on the issues in the proceeding and show good cause why the time limitation should be waived.

(c) *Grant of party status.* (1) If no answer in opposition to a motion to intervene is filed within 15 days after the motion to intervene is filed, the movant becomes a party at the end of the 15 days.

(2) If an answer in opposition to a motion to intervene is filed within 15 days after the motion to intervene is filed. The movant becomes a party only when the motion is expressly granted.

(d) *Grant of late intervention.* (1) In acting upon a motion to intervene filed after the period prescribed under Rule 210 (notice), the decisional authority may consider whether the movant has shown good cause for failing to file within the time prescribed, the disruption of the proceeding, and the prejudice to, or additional burdens upon, the existing parties which might be caused if the intervention is permitted.

(2) Except to the extent otherwise ordered, the grant of intervention shall not be the basis for delaying or deferring any procedural schedule established prior to such movant's intervention.

(3)(i) The decisional authority may impose limitations on the participation of late a intervener to avoid delay and prejudice to the other participants.

(ii) Except to the extent otherwise ordered, an intervener is required to accept the record of the proceeding as it was developed prior to such movant's intervention.

(4) If the presiding officer grants a motion for late intervention orally, he will promptly issue a written order confirming the oral order.

§ 385.215 Amendment of pleadings. (Rule 215.)

(a) *General rules.* (1) A participant or a person who is seeking to become a party may seek to modify its pleading by filing an amendment which conforms to the requirements applicable to the pleading to be amended.

(2) A tariff or rate filing may not be amended except pursuant to statutory authority.

(3) A written amendment filed before the fifth day before the earlier of the first prehearing conference or the first day of evidentiary hearings becomes effective as of right on the date filed. A written amendment filed after that date, or an oral amendment made to a presiding officer during the course of a hearing or conference, becomes effective only in accordance with paragraph (d) of this section.

(b) *Answers.* A participant may answer an amendment on the merits in accordance with Rule 212 of this part (answers).

(c) *Motion opposing the filing of an amendment.* A participant, or a person who has filed a motion to intervene under Rule 214 (intervention) which has not been denied, may file a motion opposing the filing of an amendment, other than an amendment effective as of right under paragraph (a)(2) of this section, within 15 days of filing of the amendment.

(d) *Acceptance of amendments.* If no motion in opposition to the acceptance of an amendment which does not become effective as of right is filed within 15 days after the amendment is filed, the amendment becomes effective at the end of the 15 day period. If a motion in opposition to the acceptance of such an amendment is filed within such period, the amendment becomes

effective at the end of the 15 day period, unless the decisional authority, before such date, issues an order rejecting the amendment, in whole or in part, for good cause.

(e) *Directed amendments.* The decisional authority, on motion or otherwise, may direct a participant or person who is seeking to become a party to file an amendment to amplify, clarify, or technically correct a pleading in writing.

§ 385.216 Withdrawal of pleadings. (Rule 216.)

(a) *Filing.* A participant may seek to withdraw a pleading by filng a notice of withdrawal.

(b) *Action on withdrawals.* When no motion in opposition is filed within 15 days, the withdrawal becomes effective at the end of that period, unless, within that period, the decisional authority issues an order disallowing the withdrawal. When a motion in opposition is filed, the withdrawal is not effective until the decisional authority issues an order accepting the withdrawal. An order under this paragraph may disalllow all or part of a withdrawal for good cause.

(c) *Conditional withdrawal.* To prevent prejudice to other participants, the decisional authority, on motion or otherwise, may condition the withdrawal upon a requirement that the withdrawing party leave material in the record or otherwise make material available to other participants.

§ 385.217 Summary disposition. (Rule 217.)

(a) *General rule.* If the decisional authority determines that there is no genuine issue of fact material to the decision of a proceeding or a part thereof, the decisional authority may summarily dispose of all or part of the proceeding.

(b) *Procedures.* (1) A participant may make a motion for summary disposition of all or part of a proceeding.

(2) When a decisional authority, other than the Commission, is considering summary disposition in the absence of a motion by a participant, the decisional authority must grant the participants an opportunity to comment on the proposed disposition prior to summary disposition, unless for good cause shown the decisional authority otherwise provides.

(3) When the Commission is considering ordering summary disposition in the absence of a motion by a participant and prior to setting a matter for hearing, and if it determines that notice and comment procedures are practicable and necessary, it may notify the participants and afford them an opportunity to comment on the proposed disposition.

(c) *Disposition.* (1) (i) When a decisional authority, other than the Commission, summarily disposes of all of a proceeding, the decisional authority will issue an initial decision in the entire proceeding.

(ii) Except as provided in paragraph (c)(1)(iii) of this section, when summary disposition is made of part of a proceeding, the decisional authority may issue a partial initial decision or may postpone issuing an initial decision on such part and combine it with the initial decision on the entire or appropriate part of the proceeding.

(iii) When summary disposition is made of part of a proceeding and such disposition requires the filing of new tariff or rate schedule sheets, the decisional authority will issue an initial decision disposing of that part of the proceeding.

(2) A decision issued under paragraph (c)(1) of this section shall be treated as an initial decision issued under Subpart G of this part, except that Rules 704, 705, 706, 707, and 709 of this part do not apply (rights of participants before initial decision discretion of presiding officer before initial decision, initial and replied briefs before initial decision, oral argument before initial decision, and other types of decisions).

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Hearings

§ 385.501 Applicability. (Rule 501.)

This subpart applies to a proceeding or part of a proceeding which the Commission sets for a hearing to be conducted in accordance with this subpart.

§ 385.502 Initiation of hearing. (Rule 502.)

(a) *Notice or order initiating hearing.* A hearing under this subpart will be initiated:

(1) By the Commission by issuance of an order, or

(2) By notice of the Secretary at direction of the Commission, or

(3) By order of the Oil Pipeline Board.

(b) *Contents of notice or order initiating hearing.* The order or notice under paragraph (a) of this section shall set forth:

(1) The authority and jurisdiction under which the hearing is to be held;

(2) The nature of the proceeding;

(3) The final date for the filing of protests and interventions, where the dates were not fixed by an earlier notice;

(4) The presiding officer, if one has been designated; and

(5) The date, time, and location of the hearing or prehearing conference, if known; and

(6) Any other appropriate matter.

(c) *Consolidation, severance, and phasing.* The notice or order may direct consolidation of proceedings, phasing of a proceeding, or severance of proceedings or issues in a proceeding.

§ 385.503 Consolidation and severance by chief administrative law judge. (Rule 503.)

The Chief Administrative Law Judge may, upon motion or otherwise, order proceedings pending under this subpart consolidated for hearing on any or all matters in issue in such proceedings, or order the severance of proceedings, or issues in a proceeding.

§ 385.504 Duties and powers of presiding officers. (Rule 504.)

(a) *Duties.*—(1) *Conduct of fair and impartial hearing.* It shall be the duty of the presiding officer to conduct a fair and impartial hearing, and to determine the matter justly under the law.

(2) *Appearances.* The presiding officer before whom a hearing is held shall cause all appearances to be entered on the record with a notation in whose behalf each appearance is made.

(3) *Order of presentation.* The presiding officer shall prescribe the order of presentation of the cases of all participants in the hearing.

(4) *Requirement for diligence and lack of delay.* The presiding officer shall assure that the taking of evidence and subsequent matters proceed with all reasonable diligence and with the least practicable delay.

(5) *Initial decision.* The presiding officer shall prepare and certify an initial decision to the Commission, as provided in Subpart G of this chapter.

(b) *Powers.* Except as ordered otherwise by the Commission, the presiding officer may exercise the following powers:

(1) *Scheduling.* Scheduling and otherwise regulating the course of the hearing.

(2) *Recessing, reconvening, postponing, adjourning.* Recessing, reconvening, postponing, or adjourning the hearing.

(3) *Oaths and affirmations.* Administering oaths and affirmations.

(4) *Evidence.* Ruling on and receiving evidence.

(5) *Taking of discovery.* Taking or causing discovery to be conducted.

(6) *Subpoenas.* Issuing subpoenas under Subpart D.

(7) *Conferences.* Holding conferences of the participants, as provided in Subpart F of this chapter.

(8) *Disposition of procedural matters.* Ruling on and disposing of procedural matters, including oral or written motions.

(9) *Summary disposition.* Summarily disposing of a proceeding or part thereof as provided in Rule 217 (summary disposition).

(10) *Certifying questions.* Certifying a question to the Commission as provided in Rule 714 (certified questions).

(11) *Appeal of interlocutory ruling.* Permitting appeal of an interlocutory ruling, as provided in Rule 715 (interlocutory appeals).

(12) *Intervention.* Ruling on motions to intervene as provided in Rule 214 (intervention).

(13) *Phasing.* Separating a particular issue or issues in a proceeding from others, and treating such issue or issues as a separate phase of the proceeding.

(14) *Maintaining order.* Any disregard by any person of rulings on matters of order and procedure shall be noted on the record, and may be made the subject of a special written report to the Commission. In the event a person engages in disrespectful, disorderly, or contumacious language or conduct in connection with a hearing, the presiding officer may recess the hearing for such time as is necessary to regain order. The presiding officer may request that the Commission take appropriate action, including removal, against a participant or counsel if necessary to maintain order.

(15) *Modifying time period.* Modifying any time period if such modification is in the interest of justice and will result in no undue prejudice to any participant.

(16) *Number of expert witnesses.* Limiting the number of expert witnesses who may testify on any issue consistent with the rule against repetitious testimony in Rule 905(a).

(17) *Number of persons representing a similar interest.* Limiting the number of persons (other than staff) representing a similar interest who may examine, make and argue motions and objections.

(18) *Further evidence.* Requiring, or authorizing the admission of, further evidence upon any issue at any time before the close of the evidentiary record.

(19) *General authority.* Taking any other action necessary or appropriate to the discharge of the duties vested in him, consistent with applicable law and policy.

(c) *Disqualification.* A presiding officer who believes himself disqualified may withdraw from a proceeding. The Commission may order the removal of a presiding officer for good cause either upon motion filed with the Commission or otherwise.

§ 385.505 Right of participants to present evidence. (Rule 505.)

Participants have the right to present such evidence, including rebuttal evidence, and to conduct such cross-examination as may be necessary to assure the true and full disclosure of facts.

§ 385.506 Examination of witnesses. (Rule 506.)

(a) *General rule.* Except as provided in paragraphs (b), (c), or (d) of this section, examination of a witness must be conducted orally under oath in the presence of the presiding officer with the opportunity for all participants to question the witness.

(b) *Prepared written direct testimony and prepared written rebuttal testimony.* Unless otherwise ordered by the presiding officer, direct and rebuttal testimony must be prepared in written form and comply with the requirements of Rule 507 of this part (relating to prepared testimony). Prepared testimony will be treated as an exhibit and the witness sponsoring the exhibit must be made available for oral cross-examination. The cross-examination must be conducted in accordance with the other provisions of this section.

[THIS PARAGRAPH IS NOT A PROPOSED RULE, BUT IS HERE FOR DISCUSSION ONLY]

[(c) *Oral testimony not conducted in the presence of the presiding officer.* The presiding officer need not be present at the examination of a witness: *Provided,* That:

(1) The presiding officer issues and order finding that (i) the participants agree that the examination may be so conducted, or (ii) the presiding officer finds good cause for such examination;

(2) The participants are notified in advance of the examination of the witness and the time and place of their examination;

(3) The participants are afforded the opportunity to put questions to the witness; and

(4) The participants are advised that this opportunity to put questions to the witness as provided in paragraph (c) of this section may be in lieu of the opportunity to put questions to the witness in the presence of the presiding officer.]

[THIS PARAGRAPH IS NOT A PROPOSED RULE, BUT IS HERE FOR DISCUSSION ONLY]

[(d) *Written cross-examination of witnesses.* The presiding officer may, with the consent of the participants, permit the use of prepared written cross-examination which complies with Rule 507 (prepared written testimony). The testimony may be based on interrogatories or other discovery. Prepared written cross-examination will be treated as an exhibit. When written cross-examination under this paragraph is used, a participant may, by written motion, request that such examination be supplemented by oral cross-examination. The presiding officer may grant such a motion only if the motion establishes that such supplemental oral cross-examination is necessary.]

§ 385.507 Prepared written testimony. (Rule 507.)

(a) *To be an exhibit.* Prepared written testimony of any witness must be offered as an exhibit. When prepared written testimony is required by the presiding officer, a reasonable period of time will be allowed for the preparation of such written testimony.

(b) *Time for filing.* All prepared written testimony must be served within the time provided by the presiding officer, but at least 10 days in advance of the session of the hearing at which such exhibit is offered, unless a shortened time is permitted under paragraph (c) of this section.

(c) *Late-filed testimony.* The participants in attendance at the hearing may agree unanimously that all or any part of such 10 days' prior service be waived. The presiding officer, absent such agreement, will permit the introduction of prepared written testimony if necessary for a full disclosure of the facts or may permit upon any other showing of good cause unless unduly prejudicial to any participant. Where such testimony is served within the 10 day period the presiding officer will give the participants present a reasonable opportunity to examine it.

(d) *Forms.* Prepared written testimony must have line numbers inserted on each page, in the left-hand margin, and must be authenticated by an affidavit of the witness.

§ 385.508 Exhibits. (Rule 508.)

(a) *General rule.* Except as provided in paragraphs (b) through (e) of this section, material offered in evidence except oral testimony must be offered in the form of an exhibit. A participant who seeks to have an exhibit admitted

into evidence must provide one copy of the exhibit to the presiding officer and two copies to the reporter at the time the participant moves for its admission. The presiding officer will mark for identification every exhibit offered by a participant.

(b) *Designation of matter sought to be admitted.* When a document offered as an exhibit contains material not offered as evidence, the participant offering the exhibit must plainly designate the matter offered as evidence, and must so segregate and exclude insofar as is practicable the material not so offered. If the matter not offered is so extensive as to unnecessarily encumber the record, such document will not be received in evidence but may be marked for identification. If properly authenticated, the material offered as evidence may be read into the record, or if the presiding officer so directs, a true copy of such material in proper form will be received in evidence as an exhibit. Copies of the exhibit must be delivered by the participant offering the same to the other participants appearing at the hearing who will be offered an opportunity to examine the entire document to offer in evidence in like manner other portions thereof.

(c) *Public document item by reference.* Whenever part or all of a public document is offered in evidence and the offerer shows that the document, or part thereof, is reasonably available to the public, such document need not be produced or marked for identification, but may be offered in evidence as a public document item by reference by specifying the document or relevant part thereof.

(d) *Official notice of facts.* Official notice may be taken by the presiding officer of such matters as might be judicially noticed by the courts of the United States, or any matters as to which the Commission by reason of its functions is an expert. A participant must, on timely request, be afforded an opportunity to show the contrary. A participant requesting the taking of official notice after the conclusion of the hearing must set forth the reasons claimed to justify failure to make the request prior to the close of the hearing.

(e) *Stipulations.* Participants may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. The stipulations may be received in evidence at the hearing, and when so received, are binding on the stipulating participants with respect to the matters therein stipulated. A stipulation may be made orally at the hearing or in written form.

§ 385.509 Admissibility of evidence. (Rule 509.)

(a) *General standard.* The presiding officer should exclude from evidence irrelevant, immaterial and unduly repetitious material. The presiding officer may exclude from evidence any other material he determines is not of the kind which would affect reasonable and fairminded persons in the conduct of their daily affairs.

(b) *Ruling on evidence.* The presiding officer will rule on the admissibility of all evidence offered. When an objection is made to the admission or exclusion of evidence, the grounds for the objection will be stated briefly. Formal exceptions are not permitted, but this does not preclude the arguing of the validity of a ruling on evidence at a later time in such proceeding.

§ 385.510 Miscellanous provisions. (Rule 510.)

(a) *Transcript.* (1) Every statement made at a hearing session will be transcribed in a verbatim report from which nothing will be omitted except as directed on the record by the presiding officer. Statements at a hearing must not occur off-the-record, except as directed by the presiding officer.

(2) After the closing of the record, there will be no changes in the transcript, except as provided in paragraph (b) of this section.

(b) *Transcript corrections.* Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing and to speak the truth. Transcript corrections agreed to by opposing participants may be incorporated into the record, when approved by the presiding officer, at any time during the hearing or after the close of evidence, as may be permitted by the presiding officer before the filing of the initial decision but not less than 10 days in advance of the time fixed for filing final briefs. The presiding officer may call for the submission of proposed corrections and will rule upon proposed corrections during the proceeding.

(c) *Close of evidentiary record.* The presiding officer will designate the time at which the evidentiary record is closed. Thereafter no evidence will be added to the evidentiary record unless the record is reopened under Rule 716 (reopening).

(d) *Copies of exhibits and motions to participants.* Except as otherwise provided in this subpart, copies of exhibits and motions will be furnished at the hearing to the presiding officer and to the participants.

(e) *Fees of witnesses.* Witnesses subpoenaed by the Commission will be paid the same fees and mileage as are paid for like services in the district court of the United States. Witnesses subpoenaed at the instance of participants will be paid the same fees and mileage by the participant at whose instance the witness is subpoenaed. The Commission, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

(f) *Offers of proof.* An offer of proof, made in connection with a ruling of the presiding officer rejecting or excluding proffered oral testimony, will consist of a statement of the substance of the evidence which participant claims would be adduced by the testimony. If the excluded evidence is in the form of an exhibit or is a public document, a copy of such exhibit will constitute the offer of proof of the public document will be specified by identification.

Subpart F—Conferences, Settlements, and Stipulations

§ 385.601 Conferences (Rule 601.)

(a) *When convened.* Upon motion or otherwise, the Commission or the decisional authority in a proceeding may convene a conference of the participants in the proceeding at any time.

(b) *Purpose.* A conference may be convened for any purpose related to the conduct or disposition of a proceeding, including submission and consideration of offers of settlement.

(c) *General requirements.* Due notice of the time and place of a conference and of the matters to be addressed at the conference must be given to the participants. Participants attending a conference must be prepared to discuss the matters to be addressed at the conference, unless there is good cause for a failure to be prepared. A person appearing in a representative capacity must be authorized to act on behalf of such person's principal with respect to such matters. Failure of a party to attend such a conference will constitute a waiver of all objections to the agreements reached, if any, and any order or ruling arising out of such conference.

(d) *Powers of decisional authority at conference.* The decisional authority before whom the conference is held, or to whom it reports, may dispose of any procedural matters upon which he is authorized to rule during the course of the proceeding, and which it appears may appropriately and usefully be disposed of at that stage. In addition, in the case of a proceeding set for hearing under Subpart E, where it appears that the proceeding would be substantially expedited by distribution of proposed

exhibits, written prepared testimony, and other documents reasonably in advance of the hearing session, the presiding officer, with due regard for the convenience of the participants, may direct advance distribution by a prescribed date. The presiding officer may also direct the preparation and distribution of briefs and other documents as he determines will substantially expedite the proceeding.

§ 385.602 Submission of settlement offers. (Rule 602.)

(a) *Applicability.*—(1) *General rule.* This section applies to written offers of settlement filed in any proceeding to which this subpart applies. For purposes of this section, the term "offer of settlement" includes any written proposal to modify an offer of settlement.

(2) *Oil pipeline proceedings.* In the case of any proceeding under the Interstate Commerce Act, the functions of the Commission with respect to review and approval of offers of settlement under this section are vested in the Oil Pipeline Board. Action of the Board are reviewable by the Commission under section 17 of the Interstate Commerce Act.

(b) *Submission of offer.* A participant in a proceeding may submit an offer of settlement at any time. An offer of settlement must be filed with the Secretary of the Commission. The Secretary will transmit the offer to the presiding officer if the offer is filed after a hearing has been ordered and before the time the presiding officer certifies the record to the Commission. In any other case, the Secretary will transmit the offer of settlement to the Commission.

(c) *Contents of offer.* (1) An offer of settlement must include a document embodying the settlement offer, an explanatory statement, copies of or references to (including record citations if there is a record) such documents, testimony, exhibits, or other matters, which the offerer considers relevant to the offer of settlement. An offer of settlement must also include a proposed order of the Commission approving the settlement, which order must include the following provision:

> The Commission's approval of this settlement shall not constitute approval of or precedent regarding any principle or issue in this proceeding.

(2) If the offer of settlement relates to a tariff filing, the offer must include proposed tariff changes in a form suitable for inclusion in the filed rate schedules or tariffs, together with a sufficient number of copies to satisfy the filing requirements applicable to tariff filings of the type at issue in the proceeding.

(d) *Service.* A copy of the offer of settlement must be served on participants in accordance with Rule 2010 (service) and on the persons who are required by the Commission's rules to be served with the pleading or tariff or rate filing with respect to which the proceeding was initiated. The participant serving the offer of settlement must notify the persons served of the date comments on the settlement are due under paragraph (f) of this section.

(e) *Use of non-approved offers of settlement as evidence.* Offers of settlement which are not approved by the Commission, and comments thereon, will not be admissible in evidence against any participant objecting to their admission. Discussion of the parties with respect to an offer of settlement not approved by the Commission will not be subject to discovery or admissible in evidence.

(f) *Comments.* Comments on an offer of settlement will be filed with the Secretary who will transmit them to the Commission if the offer was transmitted to the Commission, or to the presiding officer in any other case. Comments may be filed on or before 20 days after the filing of the offer of settlement and reply comments may be filed on or before 30 days after the filing of such offer, unless otherwise provided for by the Commission or the presiding officer. Failure to file comments constitutes a waiver of all objections to the offer of settlement.

(g) *Uncontested offers of settlement.* If comments on an offer were transmitted to the presiding officer and such officer finds that the offer is not contested by any participant, the presiding officer will certify to the Commission the offer of settlement, a statement that the offer of settlement is uncontested, and any hearing record or pleadings which relate to the the offer of settlement. If comments on an offer of settlement were transmitted to the Commission, the Commission will determine whether the offer is uncontested. An uncontested offer of settlement may be approved by the Commission upon a finding that the settlement appears to be fair and reasonable and in the public interest.

(h) *Contested offers of settlement.* (1) If the Commission determines the offer of settlement is contested by any party, in whole or in part, the Commission may reach a decision on the merits of the contested settlement issues if the record contains substantial evidence upon which to base a reasoned decision or if the Commission determines there is no contested issue of material fact. If the Commission finds that the record is lacking in substantial evidence or that the contested issues cannot be severed from the offer of settlement, the Commission will establish procedures before a presiding officer for the purpose of receiving additional evidence upon which a decision on the contested issues can reasonably be based or take such other action as it determines to be appropriate. When contested issues are severable, the uncontested portions may be severed and decided in accordance with paragraph (g) of this section.

(2) If comments on an offer of settlement are transmitted to the presiding officer and such officer determines that the offer is contested, in whole or in part, by any participant, the officer may certify all or part of such offer to the Commission. An offer or part thereof contested by a party may be certified only if:

(i) Either (A) the presiding officer determines that there is no contested issue of material fact, or (B) the parties concur on a motion for omission of the initial decision as provided in Rule 710 (waiver of the initial decision);

(ii) The presiding officer determines that the record contains substantial evidence from which the Commission may reach a reasoned decision on the merits of the contested issues, and

(iii) The parties have had an opportunity to avail themselves of such rights as they may with respect to the opportunity to present evidence and cross-examine opposing witnesses. When the contested issues are severable, the uncontested portions of the settlement may be certified immediately to the Commission for decision as provided in paragraph (g) of this section.

(i) *Reservation of rights.* The procedural rights a participant would have in the absence of an offer of settlement are not affected if the Commission does not approve, or approves subject to condition, the unopposed portion of the offer of settlement.

§ 385.603 Settlement negotiations before a settlement judge. (Rule 603.)

(a) *Applicability.* This section applies to a proceeding set for hearing under Subpart E.

(b) *Definitions.* For purposes of this section, "settlement judge" means the administrative law judge appointed by the Chief Administrative Law Judge to conduct settlement negotiations under this section.

(c) *Requests for appointment of settlement judges.* (1) A participant may

file a motion for the appointment of a settlement judge. The motion must be made with the presiding officer, or, if the motion is made when there is no presiding officer for the proceeding, with the Commission.

(2) A presiding officer may request the Chief Administrative Law Judge to appoint a settlement judge.

(3) Notwithstanding the provisions of Rule 213(c) of this part (time limitations on answers), a motion under paragraph (a) of this section may be acted upon at any time. Answers or objections filed after a motion has been acted upon will not be considered.

(d) *Commission order directing appointment of settlement judge.* The Commission may by order, on motion or otherwise, direct the Chief Administrative Law Judge to appoint a settlement judge.

(e) *Appointment of settlement judge by Chief Administrative Law Judge.* The chief administrative law judge may appoint a settlement judge for a proceeding if requested by the presiding officer under paragraph (c)(2) of this section, or if the presiding officer concurs in a motion under paragraph (c)(1) of this section.

(f) *Order appointing settlement judge.* The appointment of a settlement judge will be by order of the Chief Administrative Law Judge. The order will specify whether and to what extent the proceeding is suspended pending termination of settlement negotiations conducted in accordance with this section. The order may confine the scope of such settlement negotiations to specified issues.

(g) *Powers and duties of settlement judge.* (1) The settlement judge will call and preside over conferences and settlement negotiations of the participants and assess the practicalities of a potential settlement.

(2) The settlement judge will submit a report to the Chief Administrative Law Judge or Commission, as appropriate, of the status of the settlement negotiations and an evaluation as to settlement prospects. The settlement judge may make recommendations as to the continuation of the settlement negotiations conducted under this section. The first report will be made no later than 30 days following the appointment of the settlement judge. The Commission or the Chief Administrative Law Judge may order additional reports at any time.

(h) *Termination of settlement negotiations before a settlement judge.* Unless an order of the Commission directing the appointment of a settlement judge provides otherwise, settlement negotiations conducted under this section will terminate upon the order of the Chief Administrative Law Judge issued after consultation with the settlement judge.

(i) *Non-reviewability.* Any decision concerning the appointment of a settlement judge or termination of settlement negotiations is not subject to review by, appeal to, or rehearing by the presiding judge, Chief Administrative Law Judge, or the Commission.

(j) *Multiple settlement negotiations.* If settlement negotiations are terminated under paragraph (h) of this section, the Chief Administrative Law Judge may subsequently appoint a settlement judge in the same proceeding to conduct settlement negotiations in accordance with this section.

§ 385.604 Refusal to make admissions or stipulations. (Rule 604.)

If a party in a proceeding set for hearing under Subpart E refuses to admit or stipulate to the genuineness of a document or the truth of a matter of fact and if the party requesting the admission or stipulation thereafter proves the genuineness of document or the truth of matter of fact, the party who made the proof may apply to the presiding officer for an order requiring the other party to pay the reasonable expenses incurred in making the proof, including reasonable attorney's fees. Unless the officer finds that there was good reason for the refusal to admit or stipulate or that the admission or stipulation sought were of no substantial importance, the order shall be made. An appeal from the order may be taken to the Commission immediately. If a party refuses to comply with the order after it becomes final, the Commission may strike all or any part of the party's pleadings or limit or deny further participation by the party. Proposed stipulations not agreed to are not admissible in evidence against any participant objecting to the admission.

Subpart G—Decisions

§ 385.701 Applicability. (Rule 701.)

This subpart applies to decisions in proceedings set for hearing under Subpart E of this part, including a decision on a certified question, interlocutory appeal, or reopening, and to a decision on rehearing, except that:

(a) The provisions of this subpart (other than those relating to rehearing or reopening) are inapplicable to consideration of an offer of settlement, and

(b) This subpart applies to summary disposition only to the extent provided in Rule 217 (summary disposition).

§ 385.702 Definitions. (Rule 702.)

For purposes of this subpart:

(a) "Initial decision" is a decision rendered in accordance with Rule 708 (initial decisions by presiding officers).

(b) "Final decision" is a decision referred to in Rule 713 (requests for rehearing of final decisions).

§ 385.703 Contents of decisions. (Rule 703.)

Each decision will become a part of the record in the proceeding and will contain:

(a) A ruling on each exception presented and findings and conclusions, with supporting reasons, upon all material issues of fact, law, or matters of discretion presented on the record, and

(b) The appropriate rule, order, sanction, relief, or denial thereof.

§ 385.704 Rights of participants before initial decision. (Rule 704.)

After the taking of testimony in a proceeding, or phase thereof, the presiding officer will afford each participant the opportunity:

(a) To submit written initial briefs in accordance with Rule 706 (briefs before initial decisions), except that the presiding officer may provide an opportunity for oral argument in lieu of, or in addition to, initial briefs; and

(b) To submit written reply briefs in accordance with Rule 706 (briefs before initial decision), except that the presiding officer (1) may provide an opportunity for oral reply argument in lieu of, or in addition to, reply briefs, and (2) may for good cause deny this opportunity for reply or limit the issues which may be addressed in such replies.

§ 385.705 Additional powers of presiding officer with respect to briefs. (Rule 705.)

(a) *Limitations on briefs.* The presiding officer may limit the length of any brief to be filed under Rule 706 (briefs before initial decisions) with due regard to the nature of the proceeding.

(b) *Additional briefs and other filings.* If appropriate, the presiding officer may permit or require briefs or other filings in addition to those provided for in Rule 706 (briefs before initial decision).

§ 385.706 Initial and reply briefs before initial decision. (Rule 706.)

(a) *When filed.* If initial or reply brief are to be filed, the presiding officer will fix the time for filing and service of such briefs giving due regard to the nature of the proceeding, the extent of the record, and the number and complexity of the issues. Unless specifically ordered otherwise, the time so fixed will be the same for all initial briefs and the same for all reply briefs.

(b) *Contents.*-(1) Initial briefs filed with the presiding officer must include:

(i) A concise statement of the case;

(ii) Proposed findings and conclusions, unless waived by the presiding officer;

(iii) Arguments in support of the participant's position, and

(iv) Any other matter required by the presiding officer.

(2) Reply briefs filed with the presiding officer must be limited to responding to arguments and issues raised in the initial briefs, and the presiding officer may impose other limits on the reply brief.

(c) *Form.* (1) Exhibits admitted in evidence or marked for identification in the record must not be reproduced in the brief, but may be shown, within reasonable limits, in an appendix to the brief. Analyses of such exhibits may be included in the brief where pertinent.

(2) A brief of more than 20 pages must contain, in the front, a table of contents and points made, with page references, and a list of citations, alphabetically arranged, with page references.

(d) *Record.* Initial and reply briefs accompany the record and will be available to the Commission and the presiding officer for consideration in deciding the case.

§ 385.707 Oral argument before initial decision. (Rule 707.)

(a) *Procedure.* If oral argument is to be held, the presiding officer will designate the order of the argument, set a time limit on each argument, and make any other procedural rulings.

(b) *Scope.* (1) If oral argument is to be held without an initial brief, then each participant has the opportunity to present orally the information required or permitted to be included in initial briefs pursuant to Rule 706(b) (contents of initial briefs).

(2) If oral argument is to be held in addition to an initial or reply brief, such oral argument may be limited to issues considered by the presiding officer to be appropriate issues for oral argument.

(c) Oral argument will be transcribed and included in the record and must be available to the Commission and the presiding officer in deciding the case.

§ 385.708 Initial decisions by presiding officer. (Rule 708.)

(a) *Applicability.* This section applies to any proceeding in which a presiding officer, other than the Commission, presided over the reception of the evidence.

(b) *General rule.* (1) Unless othewise ordered by the commission or unless paragraph (b)(2) applies, the presiding officer will prepare a written initial decision.

(2) Where time and circumstances so require, the presiding officer may issue an order stating that an oral initial decision will be issued. The oral decision is considered served upon all participants when it is issued orally. Promptly thereafter the presiding officer will prepare the oral initial decision contained in the transcript in the format of a written initial decision.

(3) An initial decision prepared under paragraph (b)(1) or (b)(2) of this section, will be certified by the presiding officer, together with a copy of the record in the proceeding, if any.

(4) After certification of a written initial decision under paragraph (b)(3) of this section, the presiding officer, after notification and having received no objections from the participants, may make technical corrections to the initial decision within 35 days of its certification.

(c) *Initial decision prepared and certified by presiding officer.* (1) The presiding officer who has presided over the reception of evidence must prepare and certify the initial decision, if any, unless such officer becomes unavailable or unless the Commission otherwise provides in accordance with 5 U.S.C. 557(b).

(2) If the presiding officer becomes unavailable, the Chief Administrative Law Judge may issue an order designating another qualified presiding officer to prepare and certify the initial decision.

(d) *Finality of initial decision.* For purposes of rehearing as provided in Rule 713 (requests for rehearing), the initial decision will become a final Commission decision 10 days after exceptions are due under Rule 711 (exceptions after initial decision) unless (1) exceptions are timely filed under Rule 711 (exceptions after initial decision), or (2) the Commission issues an order staying the effectiveness of the decision pending review under Rule 712 (relating to Commission review where no exceptions are filed).

§ 385.709 Other types of decisions. (Rule 709.)

In lieu of an initial decision under Rule 708 (initial decisions), the Commission may order any type of decision as provided by 5 U.S.C. 557(b), or waiver of the initial decision as provided by Rule 710 (waiver of initial decision).

§ 385.710 Waiver of the initial decision. (Rule 710.)

(a) *General rule.* A participant may file a motion asking the Commission to issue a final decision without any initial decision. If all other participants join in the motion, it is granted unless the Commission denies the motion within 10 days after the date of filing or in the case of an oral motion under paragraph (c)(2) of this section within 10 days after the motion is transmitted to the Commission.

(b) *Content.* The motion filed with the Commission must specify:

(1) Whether all participants concur in the request to waive the initial decision;

(2) The reasons that waiver of the initial decision is in the interest of parties and the public interest;

(3) Whether any participant desires an opportunity for filing briefs;

(4) Whether any participant desires an opportunity for oral argument before the presiding officer, the Commission, or an individual Commissioner; and

(5) Whether any participant waives any other procedural right.

(c) *How and when made.* (1) A written motion under this section may be filed at any time before the matter is set for hearing, during the hearing, but no later than 5 days after the close of the hearing conducted under Subpart E.

(2) An oral motion under this section may be made during a hearing session, in which case the presiding officer will transmit the relevant portions of the transcript of the hearing in which the motion was made to the Commission.

§ 385.711 Exceptions and briefs on exceptions after initial decision. (Rule 711.)

(a) *Exceptions.* (1) Within 30 days after service of an initial decision, a participant may file with the Commission exceptions to the initial decision in a brief on exceptions. A brief opposing exceptions may be filed in response to a brief on exceptions within 20 days after the latest date for filing a brief on exceptions. A participant may, within the time set for filing briefs opposing exceptions, file a brief on exceptions solely for the purpose of incorporating by reference one or more numbered exceptions contained in another participant's brief. A brief filed under the preceding sentence need not comply with the requirements set forth in paragraph (b) of this section.

(2) A brief on exceptions or a brief opposing exceptions must not exceed 50 pages in length, unless the Chief Administrative Law Judge, upon motion, changes the page limitation.

(3) The Secretary may extend, on motion or upon direction of the Commission, the time limits for such briefs. No further briefs are permitted unless specifically ordered by the Commission.

(b) *Nature of briefs on exceptions and of briefs opposing exceptions.* (1) A brief

on exceptions and a brief opposing exceptions must include:

(i) If the brief exceeds 10 pages in length, a separate summary of the brief no more than five pages in length; and

(ii) A presentation of the participant's position and arguments in support thereof, including references to the pages of the record or exhibits where evidence appears in support of such position and arguments.

(2) A brief on exceptions must include, in addition to matters required by paragraph (b)(1) in this section:

(i) A short statement of the case;

(ii) A list of numbered exceptions, including a specification of each error of fact or law asserted; and

(iii) A concise discussion of the policy considerations that may warrant full Commission review and opinion.

(3) A brief opposing exceptions must include, in addition to matters required by paragraph (b)(1) of this section:

(i) A list of exceptions opposed, by number; and

(ii) A rebuttal of policy considerations claimed to warrant Commission review.

(c) *Oral argument.* (1) A participant filing a brief on exceptions or brief opposing exceptions may request, by written motion, oral argument before the Commission or an individual Commissioner.

(2) The motion must be filed within the time limit for filing briefs opposing exceptions.

(3) No replies to such a motion will be entertained.

(4) The motion may be granted at the discretion of the Commission. If oral argument is granted, it will be limited, unless otherwise specified, to matters properly raised by the briefs.

(d) *Failure to take exceptions results in waiver*—(1) *Complete waiver.* Failure to file a brief on exceptions within the time permitted under this section constitutes a waiver of all objections to the initial decision.

(2) *Partial waiver.* Failure to object to any part of an initial decision in a brief on exceptions constitutes a waiver of objections to that part of the initial decision.

(3) *Effect of waiver.* Unless otherwise ordered by the Commission upon a showing of good cause, a participant who has waived objections under paragraphs (d)(1) or (d)(2) of this section to all or part of the initial decision may not thereafter raise his objections to the initial decision before the Commission in oral argument or on rehearing.

§ 385.712 Commission review of initial decision in the absence of exceptions. (Rule 712.)

(a) *General rule.* If no briefs on exceptions to an initial decision are filed within the time established by rule or order under Rule 711 (briefs on exceptions), the Commission may, within 10 days after the expiration of such time, issue an order staying the effectiveness of such decision pending its review.

(b) *Briefs and argument.* When it reviews a decision under this section, the Commission may require the participants to file briefs or present oral arguments on any issue.

(c) *Effects of review.* After Completing review under this section, the Commission will issue a decision which is final for purposes of Rule 713 (requests for rehearing).

§ 385.713 Request for rehearing. (Rule 713.)

(a) *Applicability.* This section applies to any Commission final decision or other final order with respect to rehearing provided for by statute, rule, or order.

(b) *Time for filing.* A request for rehearing may be filed by any party within 30 days after issuance of any final decision or other final order in a proceeding.

(c) *Final decisions.* In the case of a proceeding set for hearing under Subpart E:

(1) For the purposes of paragraph (a) of this section, a final decision includes a Commission decision:

(i) On exceptions taken by participants to an initial decision;

(ii) When the Commission has presided at the reception of the evidence;

(iii) When the initial decision procedure has been waived by consent of the participants in accordance with Rule 710 (waiver of initial decision);

(iv) On review of an initial decision in the absence of exceptions in accordance with Rule 712 (Commission review in absence of exceptions); and

(v) Any other action designated as final decision by the Commission for purposes of rehearing.

(2) For the purposes of paragraph (a) of this section, an initial decision under Rule 708 (initial decisions) to which no exceptions were filed and no review was initiated under Rule 712 (Commission review in absence of exceptions) becomes final at the expiration of the time period for Commission review under Rule 712 of this part (Commission review in absence of exceptions).

(d) *Content of request.* A request for rehearing must state concisely the alleged error in the Commission's decision or order. The request must conform to the requirements applicable to pleadings contained in Rule 203(a) (content of pleadings). If rehearing is sought by reason of matters that were not available for consideration by the Commission at the time of its decision, the matters relied upon by the party requesting rehearing must be set forth in the request.

(e) *Answers.* The Commission will not permit answers to requests for rehearing. The Commission may afford the parties an opportunity to file briefs or present oral argument on some or all issues presented by a request for rehearing.

(f) *Request is not stay.* The filing of a request for rehearing does not operate as a stay of the Commission's decision or order unless specifically ordered by the Commission.

(g) *Commission action on rehearing.* Unless the Commission acts upon a request for rehearing within 30 days after it is filed, it is denied.

§ 385.714 Certified questions. (Rule 714.)

(a) *General rule.* During the course of a proceeding, the presiding officer may certify, and, at the direction of the Commission, will certify to the Commission for its consideration and disposition any question which is germane to the proceeding, including questions of law, policy, or procedure.

(b) *Notice.* The presiding officer will notify the participants of the certification of any question to the Commission and of the date of such certification. Such notification may be made orally during the hearing session or by order.

(c) *Presiding officer's memorandum; views of the participants.* To the extent practicable, the presiding officer should solicit the oral or written views of the participants regarding a question certified under this section. The presiding officer shall prepare a memorandum which sets forth the relevant issues, discusses the views of participants which have been submitted, and recommends a disposition of such issues. Any written views submitted by the participants and the memorandum of the presiding officer shall be appended to the question certified under this section.

(d) *Return of certified question to presiding officer.* If the Commission does not act on a certified question within 30 days after receipt of a certification under paragraph (a) of this section, the question is deemed returned

to the presiding officer for decision in accordance with the other provisions of this subpart.

(e) *Certification not suspension.* Unless otherwise directed by the Commission or the presiding officer, certification under this section does not suspend the proceeding.

§ 385.715 Interlocutory appeals to the Commission from rulings of presiding officers. (Rule 715.)

(a) *General rule.* No appeal to the Commission may be taken from a ruling of a presiding officer during the course of a proceeding, unless the presiding officer under paragraph (b) of this section or the motions Commissioner under paragraph (c) of this section determines that such ruling should be reviewed by the Commission.

(b) *Motion to the presiding officer to permit appeal.* (1) Any participant in a proceeding may, during the course of the proceeding, move that the presiding officer permit appeal to the Commission from any ruling made by the presiding officer in the proceeding. The motion will state why prompt Commission review is necessary under the standards of paragraph (b)(2) of this section.

(2) Upon receipt of a motion under paragraph (b)(1) of this section, the presiding officer will determine with or without consideration of any answer to such motion, whether to permit appeal of the motion to the Commission. The presiding officer shall permit the appeal only if he finds that extraordinary circumstance exists, such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest or irreparable harm to a person.

(3) The presiding officer will issue an order, orally or in writing, containing the determination made under paragraph (b)(2) of this section, including the date of the action permitting an appeal to the Commission.

(4) When an appeal is permitted, the presiding officer will transmit to the Commission:

(i) A memorandum which sets forth the relevant issues and an explanation of the rulings on such issues; and

(ii) The participant's motion under paragraph (b)(1) of this section and any answer permitted thereto, except that this requirement may be waived at the discretion of the presiding officer.

(5) If the presiding officer fails to issue an order under paragraph (b)(2) of this section within 15 days after the motion is filed under paragraph (b)(1) of this section, the motion is denied.

(c) *Appeal of a presiding officer's denial of motion to permit appeal.* (1) If a motion to permit appeal is denied by the presiding officer, the participant who made the motion may appeal the denial to the motions Commissioner in accordance with this paragraph.

(2) A participant must submit an appeal under paragraph (c)(1) of this section within 7 days after the motion under paragraph (b) of this section is denied or deemed denied. The appeal must state why prompt Commission review is necessary under the standards set forth in paragraph (c)(5) of this section.

(3) A copy of the written order denying the motion or, if the denial was issued orally, the relevant portions of the transcript will be filed with the appeal.

(4) The motions Commissioner may order the presiding officer or any participant in the proceeding to provide additional information.

(5) The motions Commissioner will permit the appeal to the Commission only if he determined that extraordinary circumstances exist such that prompt Commission review of the contested ruling is necessary to prevent detriment to the public interest or to prevent irreparable harm to a person. Unless such a determination is made within 7 days after the filing the appeal, or such longer period as the motions Commissioner may provide to receive and consider information under paragraph (c)(4) of this section, the appeal to the Commission will not be permitted. If such appeal is not permitted, the contested ruling of the presiding officer will be reviewed only in accordance with the other provisions of this subpart.

(6) If a motions Commissioner permits an appeal to the Commission, the Secretary will issue an order containing that decision.

(d) *Commission action.* Unless the Commission acts upon an appeal permitted by a presiding officer under paragraph (b) of this section, or by the motions Commissioner under paragraph (c) of this section, within 15 days after the date of such permission, the ruling of the presiding officer will only be considered in accordance with the other provisions of this subpart.

(e) *Appeal not to suspend proceeding.* A decision by a presiding officer to permit appeal under paragraph (b) of this section or by the motions Commissioner to permit an appeal under paragraph (c) of this section will not suspend the proceeding unless otherwise ordered by the presiding officer of the motions Commissioner.

§ 385.716 Reopening. (Rule 716.)

(a) *General rule.* To the extent permitted by law, the evidentiary record in a proceeding may be reopened for good cause for the purpose of taking additional evidence.

(b) *By motion.* Any participant may file a motion to reopen the record which must set forth clearly the facts sought to be proven and the reasons claimed to constitute grounds requiring reopening. A participant who does not file an answer to such motion will be deemed to have waived any objection to the motion if such objection has not been raised by any other participant.

(c) *By action of the presiding officer or the Commission.* The record in a proceeding may be reopened by (1) the presiding officer at any time before the initial decision is served, or (2) the Commission any time thereafter, if the presiding officer or the Commission, as appropriate, has reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the record in such proceeding.

Subpart H—Shortened Procedures

§ 385.801 Waiver of hearing. (Rule 801.)

In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity will be deemed to have been afforded by service or publication in the **Federal Register** of notice of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any person desiring to be heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings will be deemed to have waived a hearing for the purpose of such disposition, but will not be bound by such a waiver for the purposes of any request for rehearing with respect to an order so entered.

§ 385.802 Noncontested proceedings. (Rule 802.)

(a) *Where hearing waived.* In any proceeding in which the Commission is authorized to act after opportunity for hearing, if the parties waive hearing, such opportunity shall be deemed to have been afforded by service or publication in the **Federal Register** of notice of the application or other initial pleading, request, or other filing, such notice fixing a reasonable period of time within which any person desiring to be

heard may file a protest or petition. Upon the expiration of such period of time, in the absence of a request for hearing, the Commission may forthwith dispose of the matter upon the basis of the pleadings and other submittals and the studies and recommendations of the staff. A party not requesting oral hearing in its pleadings shall be deemed to have waived a hearing for the purpose of such disposition, but shall not be bound by such waiver for the purposes of any application for rehearing with respect to an order so entered.

(b) *Noncontested proceedings.* In any proceeding required by statute to be set for hearing, the Commission, when it appears to be in the public interest and to be in the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may, after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings and other evidence filed and incorporated in the record: *Provided,* (1) The applicant or other initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the **Federal Register** of the notice of the filing of an initial pleading and notice or order fixing of hearing, which notice or order will state that the Commission considers the proceeding a proper one for disposition under the provisions of this subpart. Requests for the procedure provided by this subpart may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon request for rehearing as provided by statute.

Subpart I—Commission Review of Remedial Orders

§ 385.901 Scope. (Rule 901.)

(a) *Proceedings to which applicable.* The provisions of this subpart apply to proceedings of the Commission held in accordance with section 503(c) of the Department of Energy Organization Act (42 U.S.C. 7193(c)) to review orders issued by the Secretary of Energy pursuant to section 503(a) of the Department of Energy Organization Act (42 U.S.C. 7193(c)), and initiated by notices of probable violation, proposed remedial orders, or other formal administrative initiating documents issued on or after October 1, 1977, which are contested by the recipient.

(b) *Relationship to other rules.* (1) Where provision of this subpart is inconsistent with provision in any other subpart of this part, the former provision controls.

(2) Subpart F of this part, except Rule 601, does not apply to proceedings under this subpart.

§ 385.902 Definitions. (Rule 902.)

For purposes of this subpart:

(a) "Contested order" means the remedial order, interim remedial order for immediate compliance or order of disallowance being contested in proceeding pursuant to this subpart;

(b) "Interim remedial order for immediate compliance" means an interim remedial order for immediate compliance issued pursuant to 10 CFR 205.199D (interim remedial order of immediate compliance);

(c) "Order of disallowance" means an order of disallowance issued pursuant to 10 CFR § 205.199E (disallowance);

(d) "Participant" means, as appropriate, the Secretary, the petitioner, and intervenors;

(e) "Petitioner" means a person who has received a remedial order, interim remedial order for immediate compliance, or order of disallowance who notifies the Secretary that he intends to contest the order;

(f) "Remedial order" means a remedial order issued pursuant to 10 CFR § 205.199B (remedial orders);

(g) "Secretary" means the Secretary of Energy or his delegate.

§ 385.903 Request for nondisclosure of information. (Rule 903.)

(a) For purposes of this section, nondisclosure means nondisclosure except as to the participants in the proceeding under conditions provided in paragraphs (d) and (e) of this section.

(b) If any person filing under this subpart claims that some or all of the information contained in a document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552), is information referred to in Section 1905 of title 18 of the *United States Code* (18 U.S.C. 1905) (disclosure of confidential information), or is otherwise exempt by law from public disclosure, the person:

(1) Must request the presiding officer not to disclose such information, except to the participants in the proceeding under the conditions provided in paragraphs (d) and (e) of this section; which request the person must serve upon the participants in the proceeding;

(2) Must file, together with the document, a second copy of the document from which has been deleted the information for which the person requests nondisclosure and must indicate in the original document that the original document is exempt, or contains information which is exempt, from disclosure;

(3) Must include a statement specifying why the information is privileged or confidential, if the information for which nondisclosure is requested is claimed to come within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information;

(4) Must include a statement specifying the justification for nondisclosure, if the information for which nondisclosure is requested is not within the exception in 5 U.S.C. 552(b)(4).

(c) If the person filing a document does not submit a second copy of the document from which the appropriate information has been deleted, the presiding officer may assume that there is no objection to public disclosure of the document in its entirety.

(d) If information is submitted in accordance with paragraph (b) of this section, the information will not be disclosed except as provided in the Freedom of Information Act, in accordance with Part 388 of this subchapter and upon request in accordance with paragraph (e) of this section, to participants in the proceeding under the restrictions that the participants may not use or disclose the information except in the context of the proceeding conducted pursuant to this subpart and that the participants must return all copies of the information at the conclusion of the proceeding to the person who submitted the information under paragraph (b) to this section.

(e) At any time, a participant may request the presiding officer to direct a person submitting information under paragraph (b) to this section to provide that information under paragraph (b) to this section to provide that information to the participant requesting the information under this paragraph. The presiding office will so direct if the participant requesting the information agrees:

(1) Not to use or disclose the information except in the context of the proceeding conducted pursuant to this subpart; and

(2) To return all copies of the information, at the conclusion of the proceeding, to the person submitting the information under paragraph (b) of this section.

(f) If the information contained in the record of prior proceedings submitted by the Secretary under Rule 906(a)(1), is determined by the Secretary to be exempt from disclosure, the information shall not be disclosed except:

(1) As provided in the Freedom of Information Act, in accordance with Part 388 of this subchapter, and

(2) Upon request in accordance with paragraph (g) of this section, to participants in the proceeding under the restrictions that the participants may not use or disclose the information except in the context of the proceeding conducted pursuant to this section and that the participants must return all copies of the information at the conclusion of the proceeding to the presiding officer.

(g) At any time, a participant may request the presiding officer to direct that the complete record of prior proceedings, including information determined by the Secretary to be exempt from disclosure, be made available to that participant. The presiding officer will so direct if the participant requesting the complete record agrees:

(1) Not to use or disclose the information determined to be exempt except in the context of the proceeding conducted pursuant to this subpart, and

(2) To return all copies of the information determined to be exempt to the presiding officer at the conclusion of the proceeding.

§ 385.904 Commencement of proceeding. (Rule 904.)

(a) Except as provided in paragraph (b) of this section, the proceeding pursuant to this subpart will be commenced by filing with the Secretary of the Commission, for the Commission, of a written notice by the Secretary that the Secretary has been notified by a petitioner that the petitioner has filed a notice of intent to contest an order reviewable under this subpart. At the same time, the Secretary will serve a copy of the contested order upon other participants in the prior proceedings and upon persons denied intervention in the prior proceedings, and will certify to the Commission that such service has been made, stating the names and addresses of persons served.

(b) The proceeding pursuant to this subpart with respect to an interim remedial order for immediate compliance will be commenced by a petitioner's filing with the Secretary of the Commission, for the Commission, and serving on other participants in the prior proceedings, if any, a notice of petition for review of an interim remedial order for immediate compliance pursuant to 10 CFR 205.199D(i)(1) (interim remedial order of immediate compliance). The Commission will defer consideration of the merits of the order until a final remedial order is issued by the Secretary.

(c) Upon receipt of notice from the Secretary under paragraph (a) of this section, or upon receipt of a notice of a petition for review by the petitioner under paragraph (b) of this section, the Commission or its designee will designate a presiding officer for the proceeding, and the Commission or its designee will notify participants in the prior proceedings and persons denied intervention in the prior proceedings of such designation.

§ 385.905 Stay of contested order. (Rule 905.)

(a) Upon the filing of the notice with the Commission by the Secretary under paragraph (a) of Rule 904 (Commencement of proceedings), or by the petitioner under paragraph (b) of such rule, the contested order will be automatically stayed pending review pursuant to this subpart unless and until, upon request of the Secretary or other participant, the presiding officer finds that the public interest requires immediate compliance with the contested order.

(b) The Secretary or other participants may at any time, prior to the hearing under Rule 909 (hearing), or if there is no hearing, prior to the issuance of a proposed order under Rule 913 (proposed order), file a petition requesting that the contested order not be stayed, or that the stay be lifted, and setting forth the legal and factual basis for the request.

(c) The presiding officer may request a written statement of the views of participants regarding whether the contested order should be stayed or continue to be stayed and may convene an expedited hearing or conference on a petition under paragraph (b) of this section.

(d) The presiding officer may grant the petition requesting immediate compliance where he finds that the public interest so requires and will notify the participants of the determination.

(e) If the presiding officer does not grant the petition under paragraph (b) of this section within 10 days after it is filed, the petition is denied. Prior to the expiration of the 10-day period the presiding officer may extend the period for decision for up to 7 days. At the end of the extension, the petition, if not granted, is denied.

(f) If the petition under paragraph (b) of this section is denied, the presiding officer will notify the participants of such denial.

(g) A grant or denial of petition under paragraphs (b) or (c) of this section may be appealed, within 10 days after the grant or denial, to the Commission in accordance with Rule 715 (relating to interlocutory appeals). The contested order will remain stayed pending the Commission's disposition of the appeal.

§ 385.906 Pleadings. (Rule 906.)

(a) *By the Secretary.* (1) Within 20 days after the filing of notice by the Secretary under rule 904(a) (commencement of proceedings), the Secretary:

(i) Will file with the Secretary of the Commission for the presiding officer two certified copies of the entire record developed in prior proceedings on the contested order. One copy will be complete and will be a part of the record upon which the order of the Commission is based, and will be available to the participants subject to the conditions set forth in Rule 903 (f) and (g) (nondisclosure of information); the second copy will have had deletions made of information which the Secretary has determined to be confidential or not subject to disclosure;

(ii) Will file with the Secretary for the presiding officer a copy of the contested order; and

(iii) May, in addition, elect to file a statement setting forth the factual elements of the alleged violation, which statement the Secretary will serve on all participants in the proceeding.

(2) If the petitioner requests permission to raise new facts or issues pursuant to Rule 907(a) (new facts and issues), the Secretary may file, within 10 days after the filing of the petitioner's answer, a reply responding to the petitioner's request to raise new facts or issues. In the reply, the Secretary may also request the permission of the presiding officer to raise new facts or issues under the criteria set forth in Rule 907(b) (new facts and issues) and to conduct discovery relating to the new facts or issues he may raise pursuant to Rule 907(b) (new facts and issues). Failure by the Secretary to request permission to raise new facts or issues or to conduct discovery in this reply constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(3) The Secretary will file with the Secretary of the Commission, for the presiding officer, and serve upon other participants in the proceedings, a brief

in support of the affirmative case, which will set forth:

(i) The elements of the alleged violation, including references to the authorities upon which the Secretary relies, including but not limited to regulations, rulings, interpretations and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission; and

(ii) A complete statement of the factual and legal basis of the contested order.

(4) The Secretary's brief will be filed according to the following time period appropriate to the particular proceeding:

(i) If no participant (including persons requesting intervention) has requested permission to raise new facts or issues or to conduct discovery pursuant to paragraphs (a)(2), (b)(2), (c)(7), and (c)(8) of this section, within 20 days after the filing of the petitioner's answer under paragraph (b)(1) of this section;

(ii) If the presiding officer has determined, under Rule 908(d) (discovery) that no discovery shall be permitted, within 20 days after the presiding officer's determination under such rule;

(iii) If discovery is permitted under Rule 908(d) (discovery) within 20 days after the conclusion of the time period set for discovery under such rule;

(b) *By the petitioner.* (1) Within 15 days after the filing by the Secretary under paragraph (a)(1) of this section, the petitioner must file with the Secretary of the Commission, for the presiding officer, and serve upon the Secretary and other participants in the proceedings, an answer to the contested order admitting or denying each of the Secretary's findings in the contested order and setting forth affirmative defenses, if any.

(2) In the answer, the petitioner may:

(i) Contest any part of the record which the Secretary certified to the presiding officer under paragraph (a)(1)(i) of this section;

(ii) Request permission to raise new facts or issues not raised in the prior proceedings if the new facts or issues meet the criteria set forth in Rule 907(a) (new facts and issues); and

(iii) Request permission to conduct discovery, subject to criteria provided in Rule 908(a) (discovery). Failure by the petitioner to contest the record or to request permission to raise new facts or issues or to conduct discovery in this answer constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(3) Within 15 days after filing of the Secretary's brief under paragraph (a)(3) of this section, the petitioner shall file with the Secretary of the Commission, for the presiding officer, and serve upon other participants in the proceeding, a brief stating fully the objections to the contested order, including references to the authorities upon which the petitioner relies, including but not limited to regulations, rulings, interpretations, and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission.

(c) *By interveners.* (1) A person qualifying under paragraph (c)(2) of this section, may request the presiding officer to permit intervention in the proceeding under this subpart in accordance with the procedures described in this paragraph.

(2) A motion to intervene may be filed by any person claiming:

(i) An interest which may be directly affected and which is not adequately protected by existing parties and as to which the persons requesting intervention may be bound by the Commissions action in the proceeding; or

(ii) Any other interest of such nature that participation by the person requesting intervention may be in the public interest.

(3) A motion to intervene must set forth clearly and concisely the facts from which the nature of the requester's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the intervener in the proceeding, so as fully and completely to advise the participants and the presiding officer as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law raised or controverted, including references to the authorities upon which the requester relies, including, but not limited to, regulations, rulings, interpretations, and decisions on appeals and exceptions issued by the Department or its predecessor agencies and precedents established by the Commission.

(4) Motions to intervene may be filed with the Secretary of the Commission, for the presiding officer, within 20 days after the Secretary's commencement of the proceeding under Rule 904 (commencement of proceedings) unless, in extraordinary circumstances and for good cause shown, the presiding officer authorizes a late filing. A person requesting intervention must serve the motion to intervene on the participants in the proceeding at the same time the request is filed with the Secretary of the Commission.

(5) A participant in the proceedings may file an answer to a motion to intervene. Failure to object constitutes a waiver of any objection to the granting of such request. If made, answers must be filed within 15 days after the filing of the request to intervene.

(6) After expiration of the time for filing answers to requests to intervene or default thereof, as provided in paragraph (c)(5) of this section, the presiding officer will grant or deny such request, in whole or in part, or may, if found to be appropriate, authorize limited participation. The presiding officer will serve the determination on a motion to intervene upon the participants in the proceeding and upon the person requesting intervention. If the presiding officer denies a motion for intervention, the person requesting intervention may submit comments to the Commission under Rule 913(c) (proposed order) requesting the Commission to permit the intervention under the standards set forth in paragraph (c)(2) of this section.

(7) A person filing a motion to intervene, may request therein the permission of the presiding officer to raise new facts or issues not raised in the prior proceedings on the contested order, if the new facts or issues meet the criteria set forth in Rule 903(c) (request for nondisclosure of information). Failure by the person requesting permission to intervene to request permission to raise new facts or issues in the motion to intervene constitutes a waiver of the opportunity to do so at a later time in the proceeding.

(8) A person filing a motion to intervene may request the permission of the presiding officer to conduct discovery, subject to the conditions set forth in Rule 908(c) (discovery). Failure by the person requesting permission to intervene to request permission to conduct discovery in the motion to intervene constitutes a waiver of the opportunity to do so at a later time in the proceeding.

§ 385.907 New facts and issues. (Rule 907.)

(a) *Raised by the petitioner.* In the answer, as provided in Rule 906(b)(2)(ii) (new facts and issues) the petitioner may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1)(i) Are facts or issues that were not known and could not, with the exercise of due care, have been known to the petitioner at the time they would otherwise have been raised during the prior proceedings;

(ii) Are facts or issues that the petitioner was unable to raise at the time they could have been raised during the prior proceedings because of unduly restrictive time limits imposed by the Secretary; or

(iii) Are facts or issues that the petitioner was not permitted to raise in the prior proceedings due to erroneous adverse procedural rulings; and

(2) Are necessary for a full and true disclosure of the facts.

(b) *Raised by the Secretary.* In the reply under Rule 906(a)(2) (pleadings), the Secretary may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1) Are necessary to support the Secretary's case as a result of new facts or issues raised by the petitioner under Rule 906(b)(2)(ii) (pleadings) and this section; and

(2) Are necesary for a full and true disclosure of the facts.

(c) *Raised by interveners.* In the motion to intervene under Rule 906(c)(3) (pleadings) and this section, an intervener may request permission of the presiding officer to raise new facts or issues not raised in prior proceedings on the contested order that:

(1) If the intervener did not participate in the prior proceeding, meet the criteria of paragraphs (a)(1) and (a)(2) of this section; or

(2) If the intervener participated in the prior proceedings, are:

(i)(A) Facts or issues that were not known and could not, with the exercise of due care, have been known to the intervener at the time they would otherwise have been raised during the prior proceedings;

(B) Facts or issues that the intervener was unable to raise at the time they could have been raised during the prior proceedings because of unduly restrictive time limits imposed by the Secretary; or

(C) Facts or issues that the intervener was not permitted to raise in the prior proceedings due to erroneous adverse procedural rulings; and

(ii) Are necessary for a full and true disclosure of the facts.

(d) *Determination by the presiding officer.* The presiding officer will determine whether to grant or deny, in whole or in part, the requests of the participants to raise new facts or issues and will serve those determinations on the participants in the proceeding.

§ 385.908 Discovery. (Rule 908.)

(a) *By petitioner* In the answer under Rule 906(b)(2) (pleadings), the petitioner may request permission of the presiding officer to conduct discovery, where such discovery:

(1) Relates to new facts or issues raised in accordance with Rule 907(a) (new facts and issues); or

(2)(i) Was not permitted in the prior proceedings on the contested order due to erroneous adverse procedural rulings; and

(ii) Is necessary for a full and true disclosure of the facts.

(b) *By the Secretary.* In the reply under Rule 906(a)(2) (pleadings), the Secretary may request permission of the presiding officer to conduct discovery where such discovery relates to new facts or issues raised in accordance with Rule 907(b) (new facts and issues).

(c) *By interveners.* In a motion to intervene under Rule 906(c)(8) (pleadings) an intervener may request permission of the presiding officer to conduct discovery where such discovery:

(1) Relates to new facts or issues raised in accordance with Rule 907(c) (new facts and issues); or

(2) If the intervener participated in the prior proceedings,

(i) Such discovery was not permitted in prior proceedings on the contested order due to erroneous adverse procedural rulings; and

(ii) Such discovery is necessary for a full and true disclosure of the facts.

(d) *Determinations by the presiding officer.* The presiding officer will determine whether to grant or deny, in whole or in part, the requests of the participants for discovery and will set a time limit within which discovery must be conducted.

(e) *Interrogatories.* In addition to discovery devices applicable to this subpart under other subparts of this part, participants may conduct discovery by means of written interrogatories under conditions determined by the presiding officer.

§ 385.909 Hearing. (Rule 909.)

(a) Participant may file, within 10 days after filing of the petitioner's brief under Rule 906(b)(3) (pleadings), a request for a hearing or a motion for the opportunity for cross-examination including the reasons why cross-examination is necessary for a full and true disclosure of the facts.

(b) If a participant has filed a request for a hearing, the presiding officer will grant the request for a hearing. The hearing will include an opportunity for the submission of oral or documentary evidence and oral arguments.

(c) The presiding officer may at any time, convene a hearing.

(d) As soon as practicable after receiving a request for hearing under paragraph (a) of this section or after determination that a hearing will be held under paragraph (c) of this section, the presiding officer will give notice to the participants of the time and place of the hearing.

(e) The presiding officer will determine the issues to be resolved in the proceeding, may specify the time available for oral argument, and will give notice thereof to the participants. The presiding officer may require additional information from the participants, and may convene a prehearing conference for the purpose of determining the issues or the nature of the proceeding to be held.

(f) If at any time prior to the issuance of a proposed order pursuant to Rule 913 (proposed order), with or without a motion of a participant, the presiding officer determines that it is necessary for a full and true disclosure of the facts, the presiding officer may order that the participants be afforded the opportunity for cross-examination on any facts or issues raised in the proceeding.

§ 385.910 Conduct of the hearing. (Rule 910.)

The presiding officer is responsible for conduct of the hearing, including the order of procedure.

§ 385.911 Burden of proof. (Rule 911.)

(a) The Secretary has the burden of going forward and must sustain the burden of proof with respect to disputed elements of affirmative case of the Secretary.

(b) The proposed order under Rule 913 (proposed order) will be based upon a preponderance of the evidence.

§ 385.912 Proposed findings of fact, conclusions of law, and comments. (Rule 912.)

(a) Within 10 days after the conclusion of the hearing, or, if no hearing is held, within 20 days after the filing of the petitioner's brief under Rule 906(b)(3) (pleadings), a participant may file with the Secretary of the Commission for the presiding officer, and serve upon the other participants proposed findings of fact and conclusions of law, comments, in support thereof and any objections with respect to procedural rulings of the presiding officer.

(b) Within 10 days after the filing of proposed findings of fact and conclusions of law under paragraph (a) of this section, a participant may file, and must serve on other participants, a reply thereto.

§ 385.913 Proposed order. (Rule 913.)

(a) After the conclusion of the hearing and after the filings under Rule 912 (a) and (b), (proposed findings of fact, conclusions of law, and comments) the presiding officer will issue a decision and proposed order based on findings of fact affirming, modifying, or vacating the contested order or directing other appropriate relief. The proposed order will be based on the entire record before the presiding officer, including the record of prior proceedings certified by the Secretary.

(b) The presiding officer will certify and file with the Secretary of the Commission, for the Commission, a copy of the record in the proceedings, including the proposed order.

(c) Participants may file, within 15 days of issuance of the proposed order of the presiding officer, with the Secretary of the Commission, for the Commission, written comments on any rulings of the presiding officer and the decision and proposed order.

§ 385.914 Commission action. (Rule 914.)

The Commission will upon consideration of the entire record and the proposed order, issue a final order affirming, modifying, or vacating the contested order or directing other appropriate relief. The Commission will serve the final order on the participants.

§ 385.915 Ex parte communications. (Rule 915.)

The provisions of Rule 2201 (*ex parte* communications) apply to proceedings pursuant to this section, commencing at the time the Secretary issues a proposed remedial order under 10 CFR 205.192, an interim remedial order for immediate compliance under 10 CFR 205.199D, or a proposed order of disallowance under 10 CFR 205.199E, as if proceedings were contested on-the-record proceedings pending before the Commission.

§ 385.916 Withdrawal of petition for review. (Rule 916.)

(a) At any time, including after a hearing has been held or convened, the petitioner may submit to the presiding officer, and serve on other participants in the proceeding, a withdrawal of the petition for review of the contested order. The presiding officer will thereupon issue, and serve the participants, an order terminating the proceeding conducted pursuant to this subpart, which order will be effective 10 days after issuance.

(b) Termination of the proceeding under paragraph (a) of this section, may be appealed to the Commission, within 10 days after issuance of the termination order, except that if the Commission does not act on an appeal within 30 days, it is deemed denied. The termination order is stayed pending the appeal. If the Commission rescinds the termination order, the proceeding will continue in accordance with this subpart.

§ 385.917 Sanctions. (Rule 917.)

Whenever it appears to the Commission that a person is engaged or about to engage in any act or practice which constitutes or will constitute a violation of rule, regulation, or order, made or imposed by the Commission or the presiding officer under this subpart, it may bring an action in the proper court of the United States to enjoin that act or practice and to enforce compliance with the order, and upon a proper showing, a permanent or temporary injunction or decree or restraining order will be granted without bond. The Commission may transmit such evidence as may be available concerning that act or practice to the Attorney General, who may institute the necessary criminal proceedings.

Subpart J—Commission Review of Adjustment Request Denials

§ 385.1001 Scope. (Rule 1001.)

(a) *Applicability.* This section applies to proceedings of the Commission held in accordance with section 504(b) of the Department of Energy Organization Act, 42 U.S.C. 719(b), to review orders issued by the Secretary of Energy pursuant to section 504(a) of the Department of Energy Organization Act denying, in whole or in part, requests for adjustments.

(b) *Relationship to other rules.* When a provision of this subpart is inconsistent with a provision of any other subpart of this part, the former provision controls.

§ 385.1002 Definitions. (Rule 1002.)

For purposes of this subpart:

(a) "Commission" includes an officer or employee designated as presiding officer in a proceeding under this subpart.

(b) "Petitioner" means a person who is aggrieved or adversely affected by a contested order, as defined in this section, and who requests a review, pursuant to this subpart, by the Commission of the denial by the Secretary.

(c) "Secretary" means the Secretary of Energy or his delegate.

(d) "Content order" means the decision or order issued by the Secretary denying, in whole or in part, a request for adjustment.

(e) "Participant" means, as appropriate, the petitioner, the Secretary, or an intervener.

§ 385.1003 Request for nondisclosure of information. (Rule 1003.)

(a) For purposes of this section, nondisclosure means nondisclosure except to the participants in the proceedings and under the conditions as provided in paragraph (e) of this section.

(b) If a person filing under this subpart claims that some or all of the information contained in a document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C 552), is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure, the person:

(1) Will request the presiding officer not to disclose such information, except to the participants in the proceedings and under the conditions as provided in paragraph (e) of this section, which request the person must serve upon the participants in the proceedings;

(2) Will file, together with the document, a second copy of the document from which has been deleted the information for which the person requests nondisclosure and must indicate in the original document that the original document is confidential or contains confidential information;

(3) If the information is claimed to come within the exception in 5 U.S.C. 552(b)(4), for trade secrets and commercial or financial information, it must include a statement specifying why the information is privileged or confidential;

(4) If the information for which nondisclosure is requested is not within the exception in 5 U.S.C. 552(b)(4), it must include a statement specifying the justification for nondisclosure.

(c) If the person filing a document does not submit a second copy of the document from which the appropriate information has been deleted, the presiding officer may assume that there is no objection to public disclosure of the document in its entirety.

(d) A participant in the proceedings who opposes a request for nondisclosure under paragraph (b) of this section must file, within 10 days of the receipt of a copy of the request for non-disclosure, with the presiding officer, and serve on the other participants, a statement specifying the reasons that the material is not exempt from disclosure.

(e) The presiding officer will make an independent determination as to a request filed under this section and will serve that determination upon the participants in the proceedings. If a

request for nondisclosure is denied, in whole or in part, the requesting person will be given notice thereof and will be afforded an opportunity to respond, no less than 5 days prior to public disclosure. If the request for nondisclosure is granted, in whole or in part, the presiding officer will issue an order stating that the information will not be disclosed except, upon request, to the participants in the proceedings, that the participants may not use or disclose the information, except in the context of the proceedings conducted pursuant to this subpart, and that upon conclusion of the proceedings, the participant return the information to the presiding officer.

§ 385.1004 Commencement of proceedings. (Rule 1004.)

(a) A petitioner commences proceedings, pursuant to this subpart, by filing with the Commission and serving upon the Secretary and any other participants in prior proceedings on the contested order a petition for review, which must contain:

(1) A copy of the decision or order denying, in whole or in part, request for adjustment (the contested order); and

(2) A complete statement of the petitioner's objections factual or legal to the contested order, including references to all authorities upon which the petitioner relies including but not limited to regulations, rulings, interpretations, and decisions on exceptions and appeals issued by the Department or its predecessor agencies and precedents established by the Commission.

(b) A petition for review must be filed within 30 days of issuance by the Secretary of the order to be contested pursuant to this subpart.

(c) Upon receiving a petition for review, the Commission or its designee will designate a presiding officer for the proceedings.

§ 385.1005 Replies. (Rule 1005.)

(a) *By the Secretary.* Within 15 days of service of the petition for review, the Secretary:

(1) Will file with the Commission a certified copy of the complete record developed in prior proceedings on the contested order, which will be available at the Commission for inspection by the participants; and

(2) Will file with the Commission and serve on the petitioners and the other participants in prior proceedings on the contested order, a reply to the petition for review stating fully his or her position supported by arguments to the petition for review.

(b) *By other participants.* A person who participated in prior proceedings on the contested order may be a participant in the proceedings pursuant to this subpart and may make filings and submittals as determined by the presiding officer.

(c) *By interveners.* A person who was denied the opportunity to participate in prior proceedings on the contested order or who is aggrieved or adversely affected by the contested order may move to intervene in accordance with Rule 214 (intervention). In order that the motion be granted, the movant must show, as appropriate, that denial of participation in prior proceedings was wrongful or why he or she is aggrieved or adversely affected by the contested order. If the presiding officer grants the motion, the person submitting the motion to intervene may make filings and submittals as determined by the presiding officer.

(d) A participant may request interim relief in a proceeding pursuant to this subpart.

(e) The presiding officer may require such other filings by the participants as he or she deems necessary in the conduct of the proceedings.

§ 385.1006 Request for hearing. (Rule 1006.)

A participant may file with the Commission and serve on the other participants a request for hearing, which will be deemed granted.

§ 385.1007 Presiding officer. (Rule 1007.)

(a) The presiding officer will determine the issues to be resolved in the proceeding and will give notice thereof to the participants. The presiding officer may require additional information from the participants and convene a prehearing conference for the purpose of determining the issues to be considered at a hearing, if one is to be held. The presiding officer may also specify the time available for oral argument and determine the nature of the hearing to be held.

(b) The presiding officer may determine, upon request by a participant, whether to permit the participant to raise new facts or issues not raised in prior proceedings on the contested order. Such a request may be granted if the facts or issues are facts or issues that:

(1)(i) Were not known and could not, with the exercise of due care, have been known to the participant at the time they could have been raised in prior proceedings; or

(ii) Are facts or issues that the participant was not permitted to raise in prior proceedings on the contested order due to an adverse procedural ruling alleged to be erroneous; and

(2) Are necessary for a full and true disclosure of the facts.

§ 385.1008 Hearings. (Rule 1008.)

As soon as practicable, after receiving any request for hearing and all the pleadings under Rules 1004 (commencement of proceedings) and 1005 (replies), the presiding officer will give notice to the participants as to the time and place of the hearing.

§ 385.1009 Proof. (Rule 1009.)

(a) A participant seeking relief from the Secretary's denial of a request for adjustment has the burden of demonstrating the participant's entitlement to the relief sought.

(b) Relief will be granted under this subpart if a participant demonstrates, by a preponderance of the evidence, that such relief is warranted.

§ 385.1010 Proposed order. (Rule 1010.)

(a) As soon as practicable, after receipt of all the pleadings or after the hearing, if one is held, the presiding officer will issue, and serve upon the participants in the proceedings, a proposed order based upon findings of fact, affirming, modifying or vacating, the contested order or directing other appropriate relief.

(b) The presiding officer will certify and file with the Office of the Secretary of the Commission, for the Commission, a copy of the record in the proceeding, including the proposed order.

(c) Participants may file, within 15 days of service of the proposed order, with the Secretary of the Commission, for the Commission, written comments on the proposed order.

§ 385.1011 Final order. (Rule 1011.)

The Commission will issue a final order, affirming, modifying or vacating the contested order or directing other appropriate relief.

§ 385.1012 Ex parte communications. (Rule 1012.)

The provisions of Rule 2201 (*ex parte* communications) apply to proceedings pursuant to this subpart, commencing at the time a petitioner files a petition for review under Rule 1004 (commencement of proceedings), as if such proceedings were contested on-the-record proceedings pending before the Commission.

Subpart K—Petitions for Adjustments Under the NGPA

§ 385.1101 Applicability. (Rule 1101.)

(a) *Proceedings to which applicable.* Except as provided in paragraph (b) of this section, this subpart applies to

proceedings of the Commission held in accordance with:

(1) Section 502(c) of the NGPA to provide for adjustments of:

(i) Commission rules, and

(ii) Commission orders having the applicability and effect of a rule as defined in section 551(4) of title 5 of the *United States Code* (5 U.S.C. 551(4)) and issued under the NGPA, except orders issued under sections 301, 302, and 303 of the NGPA;

(2) Section 206(d) of the NGPA to provide for exemptions for industrial boiler fuel facilities from incremental pricing provisions of the NGPA under § 282.206 of this chapter.

(b) This subpart does not apply to:

(1) Proceedings wherein the Commission by order grants an adjustment on its own motion or;

(2) Proceedings for which the Commission by order waives the provision of this subpart.

(c) *Relationship to other rules.* (1) Where a provision of this subpart is inconsistent with a provision in another subpart of this part, the former provision controls.

(2) When provisions of other subparts of this part require Commission action, such provisions as applied under this subpart shall be deemed to require staff action. This subpart does not require a hearing to which Subpart E applies.

§ 385.1102 Definitions. (Rule 1102.)

For purposes of this subpart:

(a) "Adjustment" means an order issued by Staff under Rule 1109 (orders):

(1) Granting relief from an order or rule issued by the Commission under the NGPA,

(i) Including exceptions, exemptions, modification, and recissions of rules and orders have the effect of rule as defined in section 551 of title 5 of the *United States Code* (5 U.S.C. 551(4)) and issued under the NGPA; but

(ii) Excluding requests for just and reasonable rates under sections 104, 106, and 109 of the NGPA; and

(2) Granting an exemption, in whole or in part, for incrementally priced industrial boiler fuel facilities from section 201 of the NGPA, under the authority of section 206(d) of the NGPA and § 282.206 (industrial boiler fuel facilities exemption);

(b) "Petitioner" means a person who files a petition for adjustment under paragraph (c) of this section;

(c) "Petition" means a petition for adjustment filed under Rule 1103 (commencement of adjustment proceedings);

(d) "NGPA" means the Natural Gas Policy Act of 1978;

(e) "Party" means, with respect to a particular petition for adjustment, the person making the petition, an intervener, or a person who has moved to intervene but whose motion has not been granted or denied under Rule 1105(b) (intervention in adjustment proceedings).

(f) "Staff" means the Director of the Office of Producer and Pipeline Regulation, or a person who is designated by the Director and who is an employee of the Commission.

§ 385.1103 Commencement of proceeding. (Rule 1103.)

A person commences a proceeding for an adjustment by filing a petition for adjustment with the Commission.

§ 385.1104 Initial petition. (Rule 1104.)

(a) *Content.* (1) *The petition must contain:*

(i) A full and complete statement of the relevant facts, including the documentary support pertaining to the circumstances, act or transaction that is the subject of the application;

(ii) A complete statement of the business reasons why the relief should be granted and the business consequences that will result if the relief is denied; and

(iii) A statement specifying how the denial or relief will cause the applicant to suffer special hardship, inequity, or unfair distribution of burdens.

(2) The petition must contain a complete statement of the legal basis of the relief requested including citations to authorities relied upon to support the petition.

(3) The petition must specify the exact nature of the relief sought.

(4) The certificate of service required under Rule 2010(h) (certificate of service) must indicate the names and addresses of all persons served.

(5) The petition must include a proposed notice of the adjustment proceeding which must state the petitioner's name, the rule or order under the NGPA of which an adjustment is sought, the date of the petition, and a brief summary of the relief requested. The proposed notice must be in the following form:

United States of America, Federal Energy Regulatory Commission

(Name of Petitioner) _____

Docket No. _____ _____

Notice of Petition for Adjustment

On (date petition was filed), (name of petitioner) filed with the Federal Energy Regulatory Commission a petition for an adjustment under (the rule or order under the NGPA of which an adjustment is sought), wherein (name of petitioner) sought (relief requested).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any persons desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

(b) *Service.* (1) The petitioner must serve a copy of the petition, or a copy from which confidential information has been deleted in accordance with Rule 1112 (requests for confidential treatment) on each person who is reasonably ascertainable by the petitioner as a person who may suffer direct and measurable economic impact if the relief is granted.

(2) Notwithstanding paragraph (b)(1) of this section, if a petitioner determines that compliance with such paragraph of this section would be impracticable, the petitioner must:

(i) Comply with the requirements of such paragraph with regard to those persons whom it is reasonable and practicable to serve; and

(ii) Include with the petition a description of the persons or class or classes of persons to whom notice was not sent.

(3) Staff may require the petitioner to provide alternate or additional service and will cause notice of the application to be published in the **Federal Register**.

§ 385.1105 Intervention. (Rule 1105.)

(a) A motion to intervene in an adjustment proceeding, in conformity with Rule 214 (intervention) must be filed within 15 days after publication in the **Federal Register** of notice of the petition for adjustment.

(b) A motion to intervene is granted unless it is denied by staff within 75 days after the day on which it was filed.

§ 385.1106 Other filings. (Rule 1106.)

(a) *Interveners.* Responses to the petition must be filed at the time the motion to intervene is filed.

(b) *Petitioner.* The petitioner may respond to filings of another party within 15 days after service of such filings. Amended pleadings may be filed under Rule 215 (amendments) if the petitioner discovers facts unavailable at the time the initial petition was filed, or if such pleadings are requested or permitted by Staff under Rule 1107 (evaluations).

§ 385.1107 Evaluations. (Rule 1007.)

(a) Staff will consider the filings made in connection with the petition for adjustment. Staff may also consider information received under paragraph

(b) of this section. If Staff obtains information under paragraphs (b)(1) or (b)(3) of this section and relies upon such information, the petitioner will be advised of such information and will be given 15 days to respond to such information.

(b)(1) Staff may initiate an investigation of any statement in a petition and use in its evaluation of any relevant fact obtained in such an investigation.

(2) Staff may request additional information from the petitioner.

(3) Staff may solicit and accept submissions from interveners or third persons relevant to the petition.

(4) Staff may consider information obtained in informal conferences held under Rule 1111 (adjustment conferences).

§ 385.1108 Criteria. (Rule 1108.)

(a) Staff will grant a petition where there are sufficient facts to make a determination on the merits and where Staff determines that an adjustment is necessary to prevent or alleviate:

(1) Special hardship;

(2) Inequity; or

(3) An unfair distribution of burdens.

(b) When there are not sufficient facts to make a determination on the merits, the Staff may dismiss the petition without prejudice; except, that when Staff has requested additional material information under Rule 1107 (adjustment evaluations) of this section and the petitioner has failed to provide the requested information, Staff may deny the petition.

§ 385.1109 Orders. (Rule 1109.)

(a) Staff will issue a decision and an order granting or denying the petition in whole or in part. The order will articulate the basis for the decision, noting any dispute with the factual assertions of the petitioner.

(b) In addition to service otherwise required under this subpart, Staff will serve the decision and order on the persons who sought and were denied an opportunity to participate in the proceeding under this subpart.

(c) If Staff fails to issue an order granting or denying the petition for adjustment within the determination period, the petitioner may treat the application as having been denied and may, within 30 days after the close of the determination period, request review thereof as prescribel in Rule 1110(a) (review of denials). For purposes of this paragraph, "determination period" means the 150 days commencing with the filing of the petition, unless Staff for good cause extends such period.

(d) An order of Staff issued under paragraph (a) of this section granting an adjustment, in whole or in part, is final 30 days after it is issued, unless, during such 30-day period:

(1) A petition for review is filed under Subpart J of this subchapter in accordance with Rule 1110(a) (review of denials) in which case the order is final when the review process under Subpart J has been completed; or

(2) The Commission directs that the order be reviewed under Subpart J in accordance with Rule 1110(b), in which case when the review process under Subpart J has been completed unless the Commission expressly states that the order shall be effective pending review proceeding.

§ 385.1110 Review of initial decision and order for adjustment. (Rule 1110.)

(a) *General rule.* (1)Within 30 days after the issuance by Staff of an order granting or denying, in whole or in part, a petition for adjustment relief under this subpart, a person may file a petition for Commission review of that order in accordance with Subpart J of this subchapter, if the person:

(i) Is aggrieved or adversely affected by that order; and

(ii) Participated, or sought and was denied an opportunity to participate, in the proceeding under this subpart.

(2) Except as otherwise provided in this paragraph, the provisions of Subpart J shall apply to Commission review of both grants and denials of adjustment applications under this subpart.

(i) "Contested order" in Subpart J means the order issued by Staff granting or denying, in whole or in part, a petition for adjustment under this subpart.

(ii) "Staff" is substituted for "Secretary" in Subpart J. With respect to review of an order denying a petition for adjustment under this subpart, Staff may participate in the proceeding in the same manner prescribed for the Secretary in Rule 1005 (replies in reviews of adjustment denials). With respect to review of an order granting a petition for adjustment under this subpart, Staff may not participate in the proceeding except to the extent necessary to file the record as prescribed in Rule 1005(a)(1) (replies in reviews of adjustment denials). With respect to review of an order granting in part and denying in part a petition for adjustment under this subpart, Staff may participate as prescribed in Rule 1005(a)(1) (replies), only if a petition for review has been filed which specifically seeks review of the portion of the order denying the application for adjustment.

(3) A motion to intervene under Rule 1005(b) (interventions in adjustment proceedings) may be filed only by a person who sought and was denied an opportunity to participate, in the proceeding under this section.

(4) There is no exhaustion of administrative remedies until a request for review is filed under Subpart J in accordance with this section and the review process under Subpart J is completed by the issuance of an order granting or denying, in whole or in part, the relief requested.

(b) *Review initiated by the Commission.* Within 30 days after the issuance by Staff of an order granting, in whole or in part, a petition for adjustment relief under this subpart, the Commission may direct that the order be reviewed in a proceeding which, insofar as practicable, will conform to proceedings under Subpart J. The order directing such review will specify the manner in which such proceedings will be conducted and the extent to which Subpart J apply.

(c) *Separation of functions.* Any person who participated in the proceeding to review the grant or denial of that adjustment under this Rule as a witness or counsel may not advise the Commission concerning the review of the grant or denial of that adjustment.

§ 385.1111 Conferences. (Rule 1111.)

Staff may direct that a conference be convened. The conference will be conducted by Staff in accordance with procedures Staff determines will most expeditiously further the purpose of the conference. A conference will be convened only after actual notice of the time, place and nature of the conference is provided to the parties. All parties may attend the conference. However, if a party wishes to present confidential information at the conference, Staff may exclude the other parties from that part of the conference when the confidential information is presented.

§ 385.1112 Requests for confidential treatment. (Rule 1112.)

(a) If a person filing a document under this subpart claims that some or all of the information contained in a document is exempt from the mandatory disclosure requirements of the Freedom of Information Act, or is otherwise exempt by law from public disclosure, that person may request confidential treatment of such information. At the time request is made for confidential treatment, the person must submit a copy of the document which contains the confidential information and two copies of the document which exclude the information for which confidential treatment is requested. The request for

confidential treatment must describe the information deleted and specify the grounds for the claim for confidential treatment. The service requirements of Rule 2010 (service) are deemed satisfied if a copy of the document with the confidential information deleted is served.

(b) If a determination to disclose the information is made under Part 388 (public information and requests), the person who has requested confidential treatment will be given notice thereof and will be afforded no less than 10 days to respond to such determination before the information is disclosed.

§ 385.1113 Interim relief. (Rule 1113.)

(a) The petitioner may at any time file a request for interim relief in a proceeding under this subpart, setting forth the legal and factual basis for the request. Service of such request must comply with the service requirements set forth in Rule 1104(b) (initial petition of adjustment request) and must be made on each person described in such rule as well as on any other party to the proceeding.

(b) The grounds for granting interim relief are:

(1)(i) A showing that irreparable injury will result in the event the interim relief is denied; and

(ii) A showing that denial of the interim relief requested will result in a more immediate special hardship or inequity to the person requesting the interim relief than the consequences that would result to other persons if the interim relief were granted; or

(2) A showing that it will be in the public interest to grant the interim relief.

(c) A party may within 10 days after the filling of the request for interim relief file a reply to the request for interim relief.

(d) Staff may request a written statement of the views of a party regarding whether the interim relief should be granted and may convene an expedited conference on the request for interim relief.

(e) If Staff has not granted the request for interim relief within 30 days after it is filed, the request is denied.

(f)(1) Subject to paragraph (f)(2) of this section, Staff will issue an order granting or denying the request for interim relief and will notify the parties. Any grant of interim relief is subject to further modification in the order issued under paragraph (f)(1) of this section.

(2) The Commission may, on its own motion, at any time revoke, modify, rescind, stay or take any other appropriate action concerning the order granting interim relief.

§ 385.1114 Motions. (Rule 1114.)

A party may file a motion at any time. Motions must set forth the ruling or relief requested and must state the grounds therefor and the statutory or other authority relied upon. Staff will rule on all motions.

§ 385.1115 Procedural rulings. (Rule 1115.)

Staff may make any procedural rule or provide any procedural relief.

§ 385.1116 Appeals. (Rule 1116.)

All actions under this subpart are taken by Staff, except with respect to requests for public information under Part 388. Except as provided in Rule 1110 (review of initial adjustment decision) of this section, there are no appeals to the Commission from Staff action taken under this section.

§ 385.1117 Petition for adjustment treated as request for interpretation. (Rule 1117.)

(a) Staff may, if appropriate, treat a petition filed under Rule 1103 (petition for adjustment) as a request for an interpretation under section 502(c) of the NGPA, of that Act or rule or order issued under that Act.

(b) If the Staff exercises its discretion under paragraph (a) of this section to treat a petition for adjustment as a request for an interpretation, then:

(1) Staff will notify the parties to the proceeding that the petition is being treated as a request for an interpretation under Rule 1901; and

(2) The time limits in this section are stayed pending issuance of the interpretation.

(c) After the interpretation is issued, if the petitioner wishes to reinstate the adjustment proceeding, the petitioner may do so by notifying the Commission in writing that the petition should be reinstated.

Subpart L—[Reserved]

Subpart M—Cooperative Procedure With State Commissions

§ 385.1301 Policy. (Rule 1301.)

(a) The Federal Power and Natural Gas Acts, sections 209 and 17, respectively, authorize cooperation between the Federal Energy Regulatory Commission and the State commissions of the several States in the Administration of said Acts, which include authorization for:

(1) Reference of any matter arising in the administration of these Acts to a board to be composed of a member or member from a State or States affected, or to be affected, by the particular matters pending before the Commission;

(2) Conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities or natural gas companies subject to the jurisdiction of such State commissions and of the Commission; and

(3) Joint hearings with State commissions in connection with any matter with respect to which the Commission is authorized to act.

(b) The matters that should be the subject of a conference referred to a board, or heard at a joint hearing of State commissions and the Commission, obviously, cannot be determined in advance. It is understood, therefore, that the Commission or any State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility or natural gas company subject to the jurisdiction of the Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

§ 385.1302 Notice. (Rule 1302.)

(a) *By Commission.* (1) Whenever there is instituted before the Commission any proceeding under either the Federal Power Act or the Natural Gas Act, the State commission or commissions of the State or States affected thereby will be given notice thereof immediately by the Commission. As deemed necessary for an understanding of the subject matter, each such notice will be supplemented by copies of applications, complaints, petitions, or orders instituting proceedings. Each such notice given to a State commission will request that the Commission be notified within a reasonable time whether the proceeding is deemed one that should be considered under the cooperative provisions of this subpart, and, if so, to advise the Commission as to the nature of its interest in the matter, and further, to specify whether it desires a conference, the creation of a board, or a joint or concurrent hearing, as defined in this subpart and the reasons for such request.

(2) Any commission suggesting some form of such cooperative procedure should also state whether there is pending, or will be pending before it, a proceeding in which a concurrent hearing might appropriately be held and whether its proposal is for such hearing covering such proceeding and the proceeding pending before the Commission.

(3) A State commission recommending to the Commission reference of a proceeding to a board, under either the

Federal Power Act or the Natural Gas Act, should state with fullness the reasons which led it to believe that such reference is desirable and in the public interest.

(4) Upon the receipt from a State commission of a communication suggesting cooperation, the Commission will consider the same, and may confer with the Commission making the request and with other interested commissions, if any, in such manner as may be most suitable, and, if cooperation in the manner proposed, or in any other manner, appears to be practicable and desirable, will so advise each interested State commission, and will invite it to participate therein.

(b) *By State commission.* (1) Each State commission should, in like manner, notify the Commission of any proceeding instituted before it the subject matter of which is also subject to the jurisdiction of the Commission, or in which it believes the Commission is interested. Such notice should be supplemented by copies of applications, petitions, complaints, or orders instituting proceedings which may be necessary to an understanding of the subject matter. Such notice should include the suggestions which the State commission may wish to make concerning cooperative procedure.

(2) Upon receipt of such notice, the Commission will consider the same and will promptly notify the State commission whether or not in its opinion cooperation in the manner proposed, or in any other manner, appears to be practicable and desirable. The Commission is free to propose cooperative procedure whether or not such proposal of cooperation has been made by the State commission first giving notice of the proceeding.

(c) *Commission or State commissions to invite participation in cooperative procedure.* In the event that cooperation in a particular proceeding has been determined upon, the Commission or a State commission before which the proceeding is pending will so advise each interested State commission and will invite it to take part therein.

§ 385.1303 Conferences. (Rule 1303).

Inasmuch as experience has proved that informal conferences are the means most often used to enable commissions to work together to promote good regulation, affording means whereby common understandings may be reached, and the imposition of inconsistent or conflicting regulations upon companies subject to both Federal and State control may be avoided and means whereby State commissions may secure the assistance in State regulatory work with sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts authorize the Commission to extend, any commission, Federal or State, should always feel free to suggest a conference to another commission, concerning any matter of regulation subject to the jurisdiction of either, with respect to which it is believed that a cooperative conference may be in the public interest. The Commission desiring a conference upon any such matter should notify other interested commissions without delay, and thereupon the Commission or a State commission, as may be agreed, will promptly arrange for a conference in which all interested commissions will be invited to be represented.

§ 385.1304 Procedure governing matters referred to a board. (Rule 1304.)

(a) It is believed that the statutory provisions of sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts, for the reference of a proceeding to a board constituted as therein provided, were designed for use in unusual cases, an as a means of relief to the Commission when it might find itself unable to hear and determine cases before it, in the usual course, without undue delay.

(b) Whenever the Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, determines that it is desirable to refer a matter arising in the administration either of the Natural Gas Act or Part II of the Federal Power Act, to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure will be as follows: The Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. The Commission will specify the functions to be performed by such board in each instance. When the member or members of any board have been nominated and appointed in accordance with the provisions of either section 209 of the Federal Power Act or section 17 of the Natural Gas Act, the Commission will issue an order referring the particular matter to such board, and such order will fix the time and place of hearing, define the "force and effect" which an action of the board will have, the manner in which the proceedings will be conducted, and specify the allowances to be made for the expense of the members of the board. As far as applicable, the rules of practice and procedure as from time to time adopted or prescribed by the Commission will govern such board. The board will have authority to adjourn the hearing from day to day, subpoena witnesses, rule on the relevancy, competency, and materiality of evidence, and will, after hearing all interested parties, submit its report to the Commission.

§ 385.1305 Joint and concurrent hearings. (Rule 1305.)

(a) The term "joint hearing" used in sections 209 and 17, respectively, of the Federal Power and Natural Gas Acts is understood to cover any hearing in which members of the Commission and members of one or more State commissions may sit together in a proceeding pending before one such commission, whether or not a proceeding or proceedings involving similar or corresponding issues be pending before any other commission.

(b) Two different types of proceedings have been called "joint hearings". One is that type of proceeding where members of one or more State commissions sit with members of the Commission for information or in an advisory capacity. The State commissioners in such case do not develop a record for their respective commissions and may not, at their own discretion, make a recommendation to the Commission. The other type of joint hearing is often referred to as a "concurrent hearing". Under this procedure the Commission and one or more State commissions sit together to hear and jointly make a record upon a matter over which all of the participating commissions have jurisdictions and responsibility for action.

(c) The Commission or any State commission or commissions should feel free to suggest or request a joint or concurrent hearing at any time. It is believed that the concurrent hearing is the type of cooperative hearing which is likely to be most useful and effective.

(d) Whenever a concurrent hearing has been agreed upon by the Commission and one or more State commissions, the procedure will be:

(1) Each commission will designate the representative or representatives of such commission to sit at such concurrent hearing, and will designate the representative who will be the presiding officer for such commission.

(2) It will be understood that participation in such concurrent hearing will in no way affect the complete control by each commission of the

proceeding before it. It will be understood, also, that participation in either a joint or concurrent hearing will in no way preclude any commission from causing to be present in any such case pertinent evidence with respect to matters in issue.

(3) The representative designated by the Commission will be the presiding officer to announce rulings with respect to which there is no disagreement; and such rulings will be considered concurrent rulings. However, the presiding officer for any commission which does not concur in any ruling may announce a divergent ruling and such divergent ruling, whether with respect to the admissibility of evidence or any other matter, will be considered the ruling for his or her commission.

(4) The record of the concurrent hearing will be the record of each commission paricipating, except that, if divergent rulings are made, the rulings will be reported so as to separate and distinguish clearly the record of the respective participating commissions and the evidence admitted in each record, in accordance with the rulings of the respective commissions. If, in any proceeding, the ruling of one presiding officer has the effect of admitting any voluminous exhibit or testimony which is excluded by the ruling of another presiding officer, the taking of such evidence, whenever possible, will be deferred until after the completion of the proceedings which can be conducted under concurrent rulings. When such testimony is taken, the transcript of such evidence will be made available to the participating commissions, if desired.

(5) In all respects concerning which there is no divergence of ruling, the hearing will be conducted in accordance with the rules of practice and procedure prescribed by the Commission, subject to the express understanding that each participating State commission will control its own record and make its own rulings as to the admissibility of evidence and as to other matters affecting its proceedings, and will make its own separate final decision or order therein.

(e) Before either the Commission or a participating State commission will enter any order or orders in a concurrent proceeding, opportunity will be afforded for conference between the Commission and the State commissions participating.

(f) Whenever a joint hearing other than a concurrent hearing is agreed upon, the commissioners which take part therein will agree upon the procedure to be followed in such hearing in advance of the opening of the same. With respect to any concurrent hearing, a special agreement may be made by the commissions taking part therein for a procedure or action differing from that outlined in this plan.

(g) Cooperation between two or more commissions in a concurrent hearing will preclude either from taking the position of an advocate or a litigant. If a commission wishes to take such a position, it will not be cooperating participant in that proceeding. In such situation the appropriate method of procedure will be intervention under Rule 214.

§ 385.1306 Intervention by State commissions. (Rule 1306.)

Any interested State commission may, as a matter of right, intervene in any proceeding before the Federal Energy Regulatory Commission, as provided in Rule 214.

Subpart N—[Reserved]

Subpart O—[Reserved]

Subpart P—[Reserved]

Subpart Q—[Reserved]

Subpart R—[Reserved]

Subpart S—Miscellaneous

§ 385.1901 Interpretations and interpretative rules under the NGPA. (Rule 1901.)

(a) *Purpose and applicability.*—(1) *Purpose.* The purpose of this section is to provide procedures by which:

(i) A person may seek a written interpretation from the General Counsel construing a provision of the NGPA, or clarifying a rule issued by the Commission under the NGPA; and

(ii) The Commission may publish an interpretative rule that will have general applicability and effect.

(2) *Applicability.* (i) This section applies to requests under section 502(c) of the NGPA for interpretations of the NGPA or of rules or of orders, having the appliability and effect of a rule as defined in 5 U.S.C. 551(4), issued under the NGPA. It does not apply to orders issued under sections 301, 302, and 303 of the NGPA.

(ii) This section applies to requests for interpretations to prospective, existing or completed facts, acts, or transactions. Interpretations based on hypothetical facts, acts, or transactions will not be considered.

(b) *Definitions.* For the purpose of this section, the following definitions apply.

(1) "Direct participant" means any person or legal entity who is, or plans to be an actual party in the act, transaction, or circumstance presented, and who has an immediate or direct financial interest in the act, transaction, or circumstance.

(2) "Interpretation" means a written statement of the General Counsel which applies a particular rule to a particular set of facts, acts, circumstances or transactions. In the discretion of General Counsel, the interpretation may contain a detailed factual and legal analysis, a summary of the facts or the law, or both, or it may be a conclusory statement.

(3) "Interpretative rule" means an official interpretative statement of general applicability issued by the Commission and published in the **Federal Register** that applies the NGPA or rules issued thereunder to a specific set of facts, acts, circumstances and transactions.

(4) "NGPA" means the Natural Gas Policy Act of 1978.

(5) "Request" means a request for an interpretation.

(6) "Rule" means a rule or an order having the effect of a rule as defined in 5 U.S.C. 551(4).

(c) *Persons who may request an interpretation.* (1) Any person who is or will be a direct participant in an act, transaction, or circumstance affected by the NGPA or a rule issued by the Commisson under the NGPA may file with the Office of the General Counsel a request for an interpretation.

(2) Requests for interpretations must be addressed to the Office of the General Counsel as follows:

Federal Energy Regulatory Commission, Interpretations Section, Office of the General Counsel, Suite 8000, 825 North Capitol Street, NE., Washington, D.C. 20426

(d) *Content of request.*—(1) *Facts.* A request for interpretation must contain a full and complete statement of the relevant and material facts pertaining to the act, transaction, or circumstance that is the subject of the request for interpretation. When the request pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be included in the request.

(2) *Statement of the question.* The request must clearly designate the section of the statute, regulation, rule, or part thereof which the person making the request seeks to have interpreted and must set forth clearly and concisely the question for which an interpretation is sought. The request may also set forth a proposed answer to the question.

(3) *Anaylsis.* If the request proposes a particular answer:

(i) The request must set forth a legal analysis in support of the proposed answer and cite relevant authorities in support thereof.

(ii) The request must set forth the legal and business consequences which will flow from the proposed answer.

(4) *Factual statements.* (i) The request must be accompanied by a statement that to the best of the applicant's personal information, knowledge, and belief there is no untrue statement of a material or relevant fact and there is no omission of a material or relevant fact made in the request.

(ii) Any untrue statement or omission of a material or relevant fact upon which the Office of the General Counsel relied in a request for an interpretation is deemed to be a statement or entry under section 1001 of Title 18, *United States Code.*

(5) *Notification of other parties.* (i) A person submitting a request must specify each person who is a direct participant in the circumstance, act or transaction; must notify them in writing of the request for an interpretation; and must send them a copy of such request. Such notification and the addresses of the persons notified must be included in a request to the General Counsel.

(ii) Each person notified pursuant to paragraph (d)(5)(i) of this section may submit information regarding any fact provided in the request of which it has personal knowledge, if such fact is different from the facts presented by the applicant. Such fact must be presented to the Office of the General Counsel as set forth in paragraph (d)(4) of this section.

(e) *Additional information.* The General Counsel may request additional information, documentation or legal analysis in connection with any request for any interpretation.

(f) *Referral of information.* Information submitted in a request for interpretation may be used by the Commission or its Staff in their official capacity. Any information received will be placed in a public file in the Commission's Office of Public Information.

(g) *The interpretation.* (1) Except as provided in paragraph (g)(2) of this section, the General Counsel will provide a copy of his or her written interpretation of the NGPA or rule as applied to the act, transaction, or circumstance presented upon the person who made the request for the interpretation and upon persons named in the request as direct participants in the act, transaction, or circumstance.

(2) The General Counsel may determine not to issue an interpretation, in which case the person who made the request and direct participants as specified in the request will be notified in writing of the decision not to issue an interpretation, and the reason for the decision.

(3) Only those persons to whom an interpretation is specifically addressed and other persons who are named in the request, who have been informed by the applicant for an interpretation of the pendency of the request and who are direct participants in the act, transaction or circumstance presented, may rely upon it. The effectiveness of an interpretation depends entirely on the accuracy of the facts presented to the General Counsel. If a material or relevant fact has been misrepresented or omitted or if any material or relevant fact changes after an interpretation is issued or if the action taken differs from the facts presented in the request, the interpretation may not be relied upon by any person.

(4) An interpretation may be rescinded or modified prospectively at any time. A rescission or modification is effected by notifying persons entitled to reply on the interpretation at the address contained in the original request.

(5) Any interpretation based on the NGPA or a rule issued thereunder in effect at the time of issuance may be relied upon only to the extent such law or rule remains in effect.

(6) Except as provided in paragraph (g)(3), (g)(4) and (g)(5) of this section, the Staff will not recommend any action to the Commission which is inconsistent with the position espoused in the interpretation. The interpretation of the General Counsel is not the interpretation of the Commission. An interpretation provided by the General Counsel is given without prejudice to the Commission's authority to consider the same or like question and to issue a declaratory order to take other action which has the effect of rescinding, revoking, or modifying, the interpretation of the General Counsel.

(h) *Appeal and judicial review.* There is no appeal to the Commission of an interpretation.

(i) *Interpretative rules.* Upon the petition of any person or upon its own motion, the Commission may publish in the **Federal Register** an interpretative rule regarding any question arising under the NGPA or a rule promulgated thereunder. Any person is entitled to rely upon an interpretative rule.

(j) *Applications for adjustments treated as requests for interpretations.* Except for the notification provisions of paragraph (d)(5) of this section, the provisions of this section apply to any petition for an adjustment which is deemed a request for an interpretation under Rule 1117. Notice to all parties to an adjustment proceeding under Subpart K of this part that is deemed to be a request for an interpretation will be given under Rule 1117(d)(1).

§ 385.1902 Appeals from action of staff. (Rule 1902.)

Any staff action, other than a decision or ruling of presiding administrative law judge, taken pursuant to authority delegated to the staff by the Commission that would be final, but for the provisions of this section, may be appealed to the Commission by an interested person. The challenged staff action may be appealed by filing a petition within 30 days of the action. Answers to such petitions may be filed by any party within 10 days of service of the petition. An appeal from any ruling of a presiding administrative law judge will conform to the requirements of Rule 715 (interlocutory appeals to the Commission from rulings of presiding officers). The Commission considers that a petition for appeal from action taken by the staff is deemed denied if not acted upon by the Commission within 30 days after the filing of such petition. The Commission further considers its action on appeals made pursuant to this paragraph to be final agency action that is subject to a request for rehearing under Rule 713 (request for rehearing).

§ 385.1903 Notice in rulemaking proceedings. (Rule 1903.)

Before the adoption of rule of general applicability or the commencement of hearing on such a proposed rulemaking, the Commission will cause general notice to be given by publication in the **Federal Register,** such notice to be published therein not less than 15 days prior to the date fixed for the consideration of the adoption of a proposed rule or rules or for the commencement of the hearing, if any, on the proposed rulemaking, except where a shorter period in reasonable and good cause exists therefore: *Provided however,* That:

(a) When the Commission, for good cause, finds it impracticable, unnecessary, or contrary to the public interest to give such notice, it may proceed with the adoption of rules without notice by incorporating therein a finding to such effect and a concise statement of the reasons therefore;

(b) Except when notice or hearing is required by statute, the Commission

may issue at any time rules of organization, procedure or practice, or interpretative rules, or statements of policy, without notice or public proceedings; and

(c) This section is not to be construed as applicable to the extent that there may be involved any military, naval, or foreign affairs function of the United States, or any matter relating to the Commission's management or personnel, or to United States property, loans, grants, benefits, or contracts.

§ 385.1904 Copies of transcripts. (Rule 1904.)

The Commission will cause to be made a stenographic record of public hearings and such copies of the transcript thereof as it requires for its own purposes. Participants desiring copies of such transcript may obtain the same from the official reporter upon payment of the fees fixed therefor.

§ 385.1905 Subpoenas. (Rule 1905.)

(a) *Issuance.* Subpoenas for the attendance of witnesses or for the production of documentary evidence, unless directed by the Commission, will issue only upon petition in writing to the Commission or the presiding officer, except that during sessions of a hearing in a proceeding, such petition may be made orally on the record before the Commission or presiding officer, who is hereby given authority to determine the relevancy and materiality of the evidence sought and to issue such subpoenas in accordance with such determination. Such written petitions must be verified and must specify as nearly as may be the general relevance, materiality, and scope of the testimony or documentary evidence sought, including, as to documentary evidence specification as nearly as may be, of the documents desired and the facts to be proved by them in sufficient detail to indicate the materiality and relevance of such documents.

(b) *Service and return.* If service of subpoena is made by a United States marshal or deputy thereof, such service will be evidenced by the return of service. If made by another person, such person must make affidavit, describing the manner in which service was made, and must return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure must be stated on the original subpoena. In making service, a copy of the subpoena must be exhibited to and left with the person to be served. The original supoena, bearing or accompanied by the authorized return, affidavit, or statement must be returned forthwith to the Secretary or, if so desired on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.

(c) *Fees of witnesses.* Witnesses who are subpoenaed will be paid fees as provided in Rule 510(e) (relating to fees).

§ 385.1906 Depositions. (Rule 1906.)

(a) *When permissible.* The testimony of witness may be taken by deposition, upon application by a participant in a proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission or the presiding officer.

(b) *Notice and application.* Unless notice is waived, no deposition will be taken except after at least 10 days' notice to the parties within the United States, and 15 days' notice when a deposition is to be taken elsewhere. Such notice must be given in writing by the participant proposing to take such deposition or by his or her attorney to the other participants or their attorneys of record and to the Commission. In such notice and application to take evidence by deposition, the participant desiring to take the deposition must state the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and post office address of the officer before whom it is desired that the deposition be taken, and the reason why such deposition should be taken. The other participants may, within the time stated in this section, make any appropriate response to such notice and application.

(c) *Authorization for taking.* Thereupon, if the application so warrants, the Commission or presiding officer, will issue and serve, within a reasonable time in advance of the time fixed for taking testimony, upon the participants or their attorneys an authorization naming the witness whose deposition is to be taken and the time, place and officer before whom the witness is to testify, but such time, place and officer so specified may or may not be the same as those named in the said notice and application.

(d) *Officer before whom taken*—(1) *Within the United States.* Such depositions may be taken before a member, a presiding officer or other authorized representative of the Commission, any judge, commissioner, or clerk of any court of the United States, any chancellor, judge, or justice of a State court, any mayor or chief magistrate, or a city, or any notary public, not being counsel or attorney for any of the participants, or interested in the proceeding or investigation, according to such designation as may be made in the authorization.

(2) *In foreign countries.* Where such deposition is taken in a foreign country, it may be taken before a secretary of an embassy or legation, counsel general, counsel, vice consul, or consular agent of the United States, or before such person or officer as may be designated in the authorization or agreed upon by the parties by stipulation in writing filed with and approved by the Commission or the presiding officer. The magistrate, person, or officer so deignated in this section will be referred to as the Officer.

(e) *Oath and reduction to writing.* Every person whose testimony is taken by deposition will be sworn, or will affirm concerning the matter about which he or she shall testify, before any questions are put or testimony given. The testimony will be reduced to writing by, or at the direction of, the officer, after which the deposition will be subscribed by the witness and certified in the usual form by the officer. Unless otherwise directed in the authorization, after the disposition has been subscribed and certified, it will be forwarded, together with the number of copies specified in the authorization, the copies being made by, or at the direction of, such officer by such officer in a sealed envelope addressed to the Commission at its office in Washington, D.C., with sufficient postage affixed. Upon receipt thereof, the Secretary shall file the original in the proceeding and will forward a copy to each party or his or her attorney of record and to staff counsel.

(f) *Copies.* Rule 2004 (copies of filings) is not applicable with respect to the number of copies to be provided.

(g) *Scope and conduct of examination.* Unless otherwise directed in the authorization, the deponent may be examined regarding any matter which is relevant to the issues involved in the pending proceeding, including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things, and the identity and location of persons having knowledge of relevant facts. Parties or their attorneys and staff counsel will have the right of cross-examination, objection and exception to questions or evidence, the grounds relied upon will be noted by the officer upon the deposition, but he does not have power to decide on the competency or materiality or relevancy of evidence. Objections to questions or evidence not taken before the officer are deemed to be waived.

(h) *Not part of record unless received in evidence.* No part of a deposition will

constitute a part of the record in the proceeding, unless received in evidence by the Commission or presiding officer. Objection may be made at the hearing in the proceeding to receiving in evidence any disposition or part thereof for any reason which would require the exclusion of the evidence if the witnesses were then present and testifying.

(i) *Fees of officers and deponents.* Deponents whose depositions are taken and the officers taking the same are entitled to the same fees as are paid for like services in the District Courts of the United States, which fees must be paid by the party or participant at whose instance the depositions are taken.

§ 385.1907 Reports of compliance. (Rule 1907.)

When any licensee, permittee, or any other person subject to the jurisdiction of Commission is required to do or perform any act by Commission order, permit, or license provision, there must be filed with the Commission within 30 days following the date when such requirement became effective, a notice, under oath, stating that such requirement has been met or complied with: *Provided, however,* That the Commission, by rule or order, or by making specific provision therefor in a license or permit, may provide otherwise for the giving of such notice of compliance. Five conformed copies of such notice must be filed in lieu of the fourteen conformed copies required by Rule 2004 (copies of filings).

Subpart T—Formal Requirements for Filings in Proceedings Before the Commission

§ 385.2001 Filings. (Rule 2001.)

(a) *Filings with the Commission.* Unless otherwise provided in this chapter, a filing required to be made with the Commission must be submitted to the Secretary either (A) by mailing the document to: Secretary, Federal Energy Regulatory Commission, 825 N. Capital Street, NE., Washington, D.C. 20426, or (B) by hand delivering the document to: Room 3110, 825 N. Capitol Street, NE., Washington, D.C. A document is considered filed on the date stamped by the Secretary, unless subsequently rejected. Documents received after regular business hours are considered to have been filed on the next regular business day.

(b) *Rejection.* (1) Failure of a filing to comply with all or part of a statute or Commission rule or order may be grounds for rejection of the filing, unless it is accompanied by a motion requesting a waiver of such requirement and the motion is granted. If rejected, a filing is deemed not to have been filed with the Commission.

(2) Filings rejected under paragraph (b)(1) of this section are returned by the Secretary, or the office director to whom the filing has been referred, with an indication of the deficiencies thereof and the reasons for rejection and return.

(3) Failure to reject a filing under paragraph (b)(1) of this section does not waive the obligations to comply with the requirements of this chapter. Failure to comply with such requirement may be cause for striking all or part of a filing.

§ 385.2002 Caption of filings. (Rule 2002.)

Each filing must be headed with a caption that sets forth:

(a) The docket designation, if any;

(b) The title of the proceeding (a shortened designation may be used);

(c) A heading describing of the filing; and

(d) The name of the participant on whose behalf the filing is made (a shortened designation may be used).

§ 385.2003 Specifications. (Rule 2003.)

(a) *Paper.* A filing with the Commission must be typewritten, printed, or reproduced, with each copy clearly legible, on letter size, unglazed paper, 8 to 8½ inches wide by 10½ to 11 inches long, except that a log, graph, map, drawing, or chart will be accepted on larger paper if it cannot be legibly provided on letter size paper.

(b) *Format.* A filing must be double-spaced with left margins not less than 1 inch wide, and with each quotation in excess of 50 words indented and single-spaced. If a filing exceeds one page, it must be bound or stapled, at the left side only. If a filing is printed, it must be printed in not less than 10 point type with double-leaded text and single-leaded quotations.

§ 385.2004 Copies of filings. (Rule 2004.)

An original of each filing with the Commission must be accompanied by fourteen exact copies, unless a different number is required by statute or Commission rule or order. A waiver of this requirement may be requested by motion.

§ 385.2005 Subscription and verification. (Rule 2005.)

(a) *Subscription.* (1) Each filing with the Commission must be signed. The signature constitutes a certificate that the signer has read the filing being signed and knows its contents, that the contents are true as stated to the best knowledge and belief of the signer, and that the signer possesses full power and authority to sign the filing.

(2) A filing may be signed:

(i) By the person making the filing;

(ii) If signed on behalf of a corporation, trust, assocation, or other organized group, by an officer of the organization;

(iii) If signed on behalf of any governmental authority, agency, or instrumentality, by an officer or employee thereof; or

(iv) By a representative qualified to practice before the Commission under Rule 2101 (appearance and practice before the Commission) and who possesses authority to sign. The signer may be required to submit evidence of authority to sign the filing.

(b) *Verification.* Unless verification is specifically required by this chapter, no facts alleged in a filing with the Commission need be verified. If verification is required, such verification is under oath or affirmation by a person having knowledge of the matters set forth therein. If the verification is made by anyone other than the signer, a statement must be added to the verification stating the reason for the variation.

§ 385.2006 Docket system. (Rule 2006.)

The Secretary will maintain a system for docketing proceedings. The public information in a docket is available for inspection and copying by the public during the office hours of the Commission insofar as is consistent with the proper discharge of the Commission's duties and in conformity with Part 388 (public information and requests).

§ 385.2007 Time. (Rule 2007.)

(a) *Computation.* Except as otherwise required by law, any period of time prescribed or allowed by statute or Commission rule or order is computed to exclude the day of the act or event from which the time period begins to run. The last day of the period is included, unless it is a Saturday, Sunday, or legal public holiday as designated in section 6103 of title 5, United States Code (5 U.S.C. 6103), in which case the period does not end until the close of the next day which is not a Saturday, Sunday, or legal public holiday. Part-day holidays are counted as normal business days.

(b) *Issuance of Commission rules or orders.* The date and time of issuance of a Commission rule or order is the earlier of the date and time the Secretary (1) posts a full-text copy in the Division of Public Information, (2) mails or delivers copies of the order to the parties, or (3) makes such copies public. The date of issuance will appear on each order, but it need not be the date upon which the

rule or order is adopted by the Commission.

(c) *Effective date of Commission rules or orders.* Unless otherwise ordered by the Commission, Commission rules or orders are effective on the date of issuance. An initial decision issued by a presiding officer is effective at such time as it becomes final under Rule 708(d) (the date an initial decision becomes final).

§ 385.2008 Extension of time. (Rule 2008.)

Except as otherwise provided by law, whenever an act is required or allowed to be done at or within a specified time, the time prescribed may be extended by the decisional authority for good cause, upon a motion made before the expiration of the period prescribed or as previously extended. If a motion for extension of time is made after the expiration of the specified period, the act may be permitted to be done where extraordinary circumstances are shown adequately justifying the failure to act in a timely manner.

§ 385.2009 Notice. (Rule 2009.)

Unless actual notice is given, notice by the Commission is to be given by publication in the **Federal Register** by the Secretary. Actual notice is usually given by service under Rule 2010 (service of documents).

§ 385.2010 Service. (Rule 2010.)

(a) *By participants.* (1) A participant who files a document in a proceeding must serve a copy of it upon each person whose name is on the official service list (or applicable restricted service list) for the proceeding or phase thereof, and upon any other person who is required to be served by the Commission rule or order or as otherwise required by law.

(2) A person who receives a rejection letter or deficiency letter from the Commission must serve a copy of such letter on those to whom the person had served copies of the filing to which the rejection letter or deficiency letter relates.

(b) *By the Secretary.* The Secretary will serve a copy of a complaint, notice of tariff or rate examination, or order to show cause upon each person to whom a complaint is directed or to whom such notice or order is issued. The Secretary also will serve a copy of any rule or order by a decisional authority in a proceeding upon each person whose name is on the official service list (or applicable restricted service list) for the proceeding or phase thereof.

(c) *Official service list.* The official service list for a proceeding will contain the names and addresses of the persons designated for service in the first pleading (other than a protest) or tariff or rate filing filed by each participant. The official service list also will contain the name of counsel for the staff of the Commission. The designation of a person for service may be changed by a written notice to the Commission served on each person whose name is on the official service list.

(d) *Restricted service list.* The Secretary, an office director, or the presiding officer may establish, by order, a restricted service list for the purpose of eliminating unnecessary expense or improving administrative efficiency. A restricted service list may be established for an entire proceeding, a phase of a proceeding, one or more issues in a proceeding, or one or more cases in a consolidated proceeding. A restricted service list contains the names of the persons on the official service list who, in the judgment of the decisional authority establishing the list, are the active participants or their representatives with respect to such proceeding, phase of a proceeding, issue in a proceeding, or consolidated proceeding. A restricted service list is maintained in the same manner as, and in addition to, the official service list maintained in accordance with paragraph (c) of this section. Before a restricted service list is established, each person whose name is on the official service list will be given notice of the proposal to establish a restricted service list and the opportunity to show why such person should be included on the restricted service list or why a restricted service list should not be established. The designation of a person for service on a restricted service list may be changed by written notice to the Commission served on each person whose name is on the applicable restricted service list.

(e) *Interveners.* (1) If a motion to intervene or notice of intervention is filed within the prescribed time period, the names and addresses of the persons designated for service in the motion or notice are placed on the official service list (or applicable restricted service list.) After the motion or notice is filed, these persons are entitled to service in accordance with this section. However, the names and addresses of such persons are removed from the official service list if a motion is denied.

(2) If a motion to intervene is not filed within the prescribed period, the names and addresses of the persons designated for service in the motion are placed on the official service list (or other applicable restricted service list) after the motion is granted. Late interveners are served with only the documents that are filed after the motion is granted.

(f) *Methods.* Service must be made by mail or by actual delivery in some other manner and to a place that may reasonably be expected to provide actual and timely receipt.

(g) *Timing of service.* (1) Service is made when the document served is deposited in the mail or is actually delivered in another manner.

(2) Service of a document must be made no later than the date of the filing of the document.

(h) *Certification.* When a document that must be served is filed with the Commission, it must have the original of a certificate of service attached to it. Each copy of the document filed with the Commission must have a copy of the certificate of service attached to it. The certificate must conform to the following:

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list [or the restricted service list, if applicable] compiled by the Secretary in this proceeding.
Date at _____ this _____ day of _____, 19—.
Signature _____
Counsel for _____
(if applicable) _____
Address _____
Telephone number _____

Subpart U—Appearance and Practice Before the Commission

§ 385.2101 Appearances. (Rule 2101.)

(a) A participant may appear in a proceeding in person or by an attorney or other qualified representative. An individual may appear in his or her own behalf, a member of a partnership may represent the partnership, a bona-fide officer of a corporation, trust, association or organized group may represent the corporation, trust association or group, and an officer or employee of a State commission, of a department or political subdivision of a State or other governmental authority, may represent the State commission or the department or political subdivision of the State or other governmental authority, in any proceeding.

(b) A person compelled to appear or voluntarily testifying or making a statement before the Commission or the presiding officer, may be accompanied, represented, and advised by an attorney or other qualified representative.

(c) A person appearing before the Commission or the presiding officer must conform to the standards of ethical conduct required of practitioners before the Courts of the United States, and where applicable, to the requirements of

section 12(i) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(i)).

§ 385.2102 Suspension. (Rule 2102.)

(a) After hearing the Commission may disqualify and deny, temporary or permanently, the privilege of appearing or practicing before it in any way to a person who is found:

(1) Not to possess the requisite qualifications to represent others, or

(2) To have engaged in unethical or improper professional conduct, or

(3) Otherwise to be not qualified.

(b) Contumacious conduct in a hearing before the Commission or a presiding officer will be ground for exclusion of any person from such hearing and for summary suspension for the duration of the hearing by the Commission or the presiding officer.

§ 385.2103 Appearance of former employees. (Rule 2103.)

(a) No person having served as a member, officer, expert, administrative law judge, attorney, accountant, engineer, or other employee of the Commission may practice before or act as attorney, expert witness, or representative in connection with any proceeding or matter before the Commission which such person has handled, investigated, advised, or participated in the consideration of while in the service of the Commission.

(b) No person having been so employed may within 1 year after his or her employment has ceased, practice before or act as attorney, expert witness, or representative in connection with any proceeding or matter before the Commission which was under the official responsibility of such person, as defined in 18 U.S.C. 202 while in the service of the Commission.

(c) Nothing in paragraph (a) and (b) of this section prevents a former member, officer, expert, administrative law judge, attorney, accountant, engineer, or other employee of the Commission with outstanding scientific or technological qualifications from practicing before or acting as an attorney or representative in connection with a particular matter in a scientific or technological field if the Chairman of the Commission makes a certification in writing, published in the **Federal Register**, that the national interest would be served by such action or representation.

Subpart V—Ex Parte Communications; Separation of Functions

§ 385.2201 Ex parte communications. (Rule 2201.)

In order to avoid all possibilities of prejudice, real or apparent, to the public interest and persons involved in proceedings pending before the Commission.

(a) Except as permitted in paragraph (b) of this section, no person who is a party to, or his or her counsel, agent, or other person acting on his or her behalf, and no interceder in, any on-the-record proceedings, shall submit ex-parte, off-the-record communications to any member of the Commission or of his or her personal staff, to the Administrative Law Judge, or to any other employee of the Commission, regarding any matter pending before the Commission in any contested on-the-record proceeding, and no Commissioner, member of his or her personal staff, Administrative Law Judge, or any other employee of the Commission, shall request or entertain any such ex parte, off-the-record communications. For the purposes of this section, the term "ex parte communication" means an oral or written communication relative to the merits of an on-the-record proceeding pending before the Commission which is not on the public record and with respect to which reasonable prior notice to the parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this section; the term "decisional employee" means a Commissioner or member of his or her personal staff, an administrative law judge, or any other employee of the Commission who is or may be reasonably expected to be involved in the decisional process of the proceeding; the term "contested on-the-record proceedings" means a proceeding required by statute, constitution, published Commission rule or regulation or order in a particular case, to be decided on the basis of the record of a Commission hearing, and in which a protest or a petition or notice to intervene in opposition to requested Commission action has been filed; the term "interceder" shall include any individual outside the Commission, whether in private or public life, partnership, corporation, association, or other agency, other than a party or an agent of a party, who volunteers a communication.

(b) The prohibitions contained in paragraph (a) of this section do not apply to a communication:

(1) From an interceder who is a local, State, or Federal agency which has no official interest in and whose official duties are not affected by the outcome of the on-the-record proceedings before the Commission to which the communication relates;

(2) From an interceder relating to matters of procedure only;

(3) From a party to, or his or her counsel, agent, or other person acting on his or her behalf, in an on-the-record proceeding, if the communication relates to matters of procedure only and is directed to the Secretary of the Commission, staff counsel, or any other employee in the presence of or with the prior approval of staff counsel;

(4) From any person when otherwise authorized by law;

(5) When the communication is between the staff counsel assigned to the proceeding or, in the presence of or after coordination with such staff counsel, any other employee of the Commission (except a decisional employee) and any party or counsel to any party or parties to the proceeding or, in the presence of or after coordination with such counsel or party, and agent of any such party: *Provided,* That any employee of the Commission who may reasonably be expected to participate in the decisional process may waive such participation by entering a staff appearance in the proceeding: *Provided further,* That non-unanimous settlement offers shall therefore be served on the participants in the proceeding prior to the submission of such offers to the Commission;

(6) Which the participants agree may be made on an ex parte basis;

(7) Related to routine safety, construction, and operational inspections of project works by the Commission staff not undertaken to investigate or study a matter pending in issue before the Commission in any on-the-record proceeding;

(8) Related to routine field audits of the accounts or any books or records of a company subject to the Commission's accounting requirements not undertaken to invetigate or study a matter pending in issue before the Commission in any on-the-record proceeding;

(9) Which relates solely to a request for supplemental information or data necessary for an understanding of factual materials contained in documents filed with the Commission in a proceeding covered by this section and which is made in the presence of or after coordination with counsel, except a communication with a decisional employee, in the absence of waiver of participation;

(10) The Commission may, by rule or order, modify any provision of this subpart, or 49 CFR Part 1100, Appendix C, as it applies to all or part of a proceeding, to the extent permitted by law. The prohibitions of paragraph (a) of this section do not apply to oil pipeline proceedings which are governed by 49 CFR Part 1100, Appendix C.

(c) All written communications prohibited by paragraph (a) of this

section, sworn statements reciting the substance of all such oral communications, and all written responses and sworn statements reciting the substance of all oral responses to such prohibited communications must be delivered to the Secretary of the Commission who will place the communication in public files associated with the case, but separate from the material upon which the Commission can rely in reaching its decision. The Secretary will serve such communications upon parties to the proceeding. The Secretary will also serve a copy of the sworn statement to the communicator and allow him or her a reasonable opportunity to file a response.

(d) A Commissioner, member of his or her immediate staff, administrative law judge, or any other employee of the Commission who receives an oral office of communication prohibited by paragraph (a) of this section shall decline to listen to such communication and shall explain that the matter is pending for determination. If unsuccessful in preventing such communication, the recipient thereof shall advise the communicator that he or she will not consider the communication. The recipient shall prepare a sworn statement setting forth the substance of the communication and the circumstances thereof within 48 hours and deliver the statement to the Secretary of the Commission for compliance with the procedures established in paragraph (c) of this section.

(e) Requests for an opportunity to rebut, on the record, any facts or contentions contained in an ex parte communication which the Secretary has associated with the record may be filed in writing with the Commission. The Commission will grant such requests only where it determines that the dictates of fairness so require. Where the communication contains assertions of fact not a part of the record and of which the Commission cannot take official notice, the Commission in lieu of receiving rebuttal material normally will direct that the alleged factual assertion on any proposed rebuttal be disregarded in arriving at a decision. Nor will the Commission normally permit any rebuttal of ex parte endorsements or oppositions by civic or other organizations by the submission of counter endorsements or oppositions.

(f) Upon receipt of a communication knowingly made in violation of paragraph (a) of this section, the Commission, Administrative Law Judge, or other employee presiding at the hearing may require, to the extent consistent with the interests of justice and the policy of underlying statutes, the communicator to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(g) The prohibitions contained in this section shall apply from the time at which a proceeding is noticed for hearing or the person responsible for such communication has knowledge that it will be noticed for hearing or at the time at which a protest or a motion or notice to intervene in opposition to requested Commission action has been filed, whichever occurs first.

§ 385.2202 Separation of functions of staff. (Rule 2202.)

In any proceeding in which a Commission adjudication is made after hearing, an officer, employee, or agent assigned to work upon the investigation or trial of the proceeding or to assist in the trial thereof, in that or any factually related proceeding, shall participate or advise as to the findings, conclusion or decision, except as a witness or counsel in public proceedings.

Subpart W—[Reserved]

Subpart X—[Reserved]

Subpart Y—[Reserved]

Subpart Z—[Reserved]

PART 388—PUBLIC INFORMATION AND REQUESTS

Sec.

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Authority: Administrative Procedure Act, 5 U.S.C. 551–557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791–828C, as amended; Natural Gas Act, 15 U.S.C. 717–717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*; Public Utilities Act of 1978, 16 U.S.C. 2601 *et seq.*; Interstate Commerce Act, 49 U.S.C. 1 *et seq.*; E.O. 12009, 3 CFR, 1977 Comp., p. 142.

PART 388—PUBLIC INFORMATION AND REQUESTS

§ 388.101 Definitions.

For purposes of this part,

(a) "Filings and submittals" include:

(1) Applications, declarations, complaints, petitions, and other papers seeking Commission action;

(2) Financial and statistical and other reports to the Commission, power system statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(3) Answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates proofs of service, transcripts of oral arguments, and briefs in any matter or proceeding; and

(4) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing.

(b) "Matter or proceeding" means the Commission elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the Commission's jurisdiction, initiated by a filing or submittal or a Commission notice or order.

(c) "Formal record", includes in addition to the filings and submittals in a matter or proceeding, notice or Commission order initiating the matter or proceeding and, if a hearing is held, the following: The designation of the presiding officer, transcript of hearing, exhibits received in evidence, exhibits offered but not received in evidence, offers of proof, motions, stipulation, subpoenas, proofs of service, references to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include proposed testmony or exhibits not offered or received in evidence.

(d) "Staff papers" include the Commission staff's working notes papers, records, memoranda, and correspondence, except:

(1) A paper not relating to a proposed settlement or to an application, permission, filing, or submittal under § 35.13, or § 154.66, of this chapter, which are intended for the Commission's consideration and are within the terms of § 388.105(d) of this

part (public records) and paragraph (e) of this section, because received by the Commission in a matter or proceeding after hearing has commenced and before final Commission action; and

(2) Paper made a part of the public rules and records by inclusion in a formal record or in Commission memorandum or correspondence which is part of the public files and record.

(e) "Commission memoranda" include written communications from the staff or a presiding officer which are intended for the Commission's consideration and those to the staff or a presiding officer which are signed or transmitted by or on behalf of the Chairman, a Commissioner, the Secretary, or the Executive Director.

(f) "Commission correspondence" includes written communications and enclosures received from others than the staff and intended for the Commission or sent to others than the staff and signed by the Chairman, a Commissioner, the Secretary, the Executive Director, or other authorized official, except those which are purely personal.

§ 388.102 Scope.

This part prescribes the rules governing public notice of proceedings, publication of decisions, and public records of the Commission.

§ 388.103 Notice of proceedings.

(a) Public sessions of the Commission for taking evidence or hearing argument and public conferences and hearings before a presiding officer, including substantive rulemaking proceedings, will not be held except upon due notice.

(b) Notice of applications, complaints, and petitions, is governed by Rule 2009 (notice). Notice of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act is governed by § 157.9 of this chapter (notice of application). Notice of public sessions and proceedings and of meetings of the Commission is governed by Rule 2009 (notice). Notice of hearings and of initiation or pendency of rulemaking proceedings is governed by Rule 1903 (notice in rulemaking proceedings). Notice of applications under Part I of the act for preliminary permits and licenses is governed by §§ 4.31 and 4.81 of this chapter (acceptance or rejection and contents). Notice of proposed alterations or surrenders of license under section 6 of the Federal Power Act may be given by filing and publication in the **Federal Register** as stated in Rule 1903 (notice in rulemaking proceedings), and, where deemed desirable by the Commission, by local newspaper advertisement. Notice of rates charged and changes therein is governed by the filing requirements of Subchapters B and E of this chapter (regulations under the Federal Power Act and Regulations under the Natural Gas Act). Other notice required by statute, rule, regulation, or order, or deemed desirable, may be given by filing and publication in the **Federal Register** as governed by Rule 1903 (notice in rulemaking proceedings) or by service as governed by Rule 2010 (service).

§ 388.104 Notice and publication of decisions, rules, statements of policy, organization, and operations.

Service of intermediate and final decisions upon parties to the proceedings is governed by Rule 2010 (service). Descriptions of the Commission's organization, its methods of operation, statements of policy and interpretations, procedural and substantive rules, and amendments thereto will be filed with and published in the **Federal Register**. Commission opinions together with accomplish orders, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly. Copies of Commissions opinions, orders in the nature of opinions, rulemaking and selected procedural orders, and intermediate decisions which have become final are published in the *Federal Energy Regulatory Commission Reports* and may be procedured from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, upon payment of prescribed charges.

§ 388.105 Public records.

(a) The public records of the Commission, available for inspection and copying upon request reasonably describing the documents during regular business hours in the public reference room maintained by the Division of Public Information, include:

(1) Submittals and filings as follows:

(i) Applications, declarations, complaints, petitions, and other papers seeking Commission action;

(ii) Financial, statistical, and other reports to the Commission, power system statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204(e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit;

(iii) All answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proof of service, transcripts or oral arguments, and briefs in any matter or proceeding;

(iv) Exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing; and

(v) Commission correspondence relating to the foregoing;

(2) All other parts of the formal record in any matter or proceeding set for formal or statutory hearing and any Commission correspondence related thereto;

(3) Proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence.

(4) Presiding officer actions, correspondence, and memoranda to or from others, with the exception of internal communications within the Office of Administrative Law Judges;

(5) Commission orders, notices, findings, opinions, determinations, and other actions in matter or proceeding and Commission minutes which have been approved;

(6) Commission correspondence relating to any furnishing of data or information, except to or by another branch, department, or agency of the Government;

(7) Commission correspondence with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the Government where furnished to satisfy a specific requirement of a statute or where made public by that branch, department or agency;

(8) Commission correspondence and reports on legislative matters under considerations by the Office of Management and Budget or Congress, but only after made public or released for publication by that Office or the Committee or Member of Congress involved;

(9) Staff reports on statements of claimed cost by licensees when such reports have been served on the licensee;

(10) Commission correspondence on interpretation of the Uniform System of Accounts and letters on such interpretation signed by the Chief Accountant and sent to others than the Commission, a Commissioner, or the staff;

(11) Commission correspondence on the interpretation or applicability of any

statute, rule, regulation, order, license, or permit issued or administered by the Commission and letters of opinion on that subject by the General Counsel and sent to others than the Commission, a Commissioner, or the staff;

(12) Copies of the filings, certifications, pleadings, records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Commission is a party and the correspondence with the courts or clerks of court;

(13) The Commission's Administrative and Operating Manual;

(14) Trancripts, electronic recordings, or minutes of Commission meetings closed to public observation containing material nonexempt pursuant to Subpart B of Part 375 of this chapter (Government in the Sunshine Act rules);

(15) Other records of the Commission except those which are:

(i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

(ii) Related solely to the internal personnel rules and practices of any agency;

(iii) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b): *Provided,* That such statute:

(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would interfere with enforcement proceedings, deprive a person of a right to a fair trial or an impartial adjudication, constitute an unwarranted invasion of personal privacy, disclose the identify of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, disclose investigative techniques and procedures, or endanger the life or physical safety of law enforcement personnel; or

(viii) Geological and geophysical information and data, including maps, concerning wells;

(16) Any reasonable segregable portion of a record after deletion of the portions which are exempt under this section.

(b) The following are examples of information which are not part of the public records of the Commission:

(1) Files and records containing facts or information not permitted to be divulged by section 301 of the Federal Power Act or section 8 of the Natural Gas Act because knowledge thereof was gained during the course of examination of books, records, data, or accounts pursuant to those sections and divulgence thereof has not been ordered by the Commission;

(2) Files and records classified under Executive Order No. 10501, 3 CFR, 1949–53 Comp., p. 979, for national security purposes;

(3) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any order and findings, with or without opinion in any matter or proceeding; and

(4) Unaccepted offers of settlements in any matter or proceeding unless or until made public by act of the offeror.

§ 388.106 Index of Commission actions.

The Division of Public Information maintains and makes available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this part to be made available or published. The index will be published quarterly and copies or supplements thereto will be distributed by sale or otherwise.

§ 388.107 Timetables and procedure in event of withholding of public records.

(a)(1) The Director of Public Information will determine within 10 days after receipt of a request for public records whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal any adverse determination in writing to the Chairman.

(2) Requests filed pursuant to this part must be in writing, addressed to the Director of Public Information, and clearly marked "Freedom of Information Request." Request for information received by the Commission not addressed and marked as indicated in paragraph (a)(2) of this section will be so addressed and marked by Commission personnel as soon as it is properly identified and forwarded immediately to the Director of Public Information. Requests made pursuant to this paragraph will be considered to be received upon actual receipt by the Director of Public Information.

(b)(1) The Chairman, in his or her capacity as administrative head of the agency pursuant to section 401(c) of the DOE Act, will make a determination with respect to any appeal within 20 days after the receipt of such appeal. If on appeal, the denial of the request for records is in whole or in part upheld, the Chairman will notify the person making such request of the provisions for judicial review of that determination.

(2) Appeals filed pursuant to this section must be in writing, addressed to the Chairman of the Commission, and clearly marked "Freedom of Information Appeals." Such an appeal received by the Commission not addressed and marked as indicated in this paragraph will be so addressed and marked by Commission personnel as soon as it is properly identified and forwarded immediately to the Chairman. Appeals taken pursuant to this paragraph will be considered to be received, upon actual receipt by the Chairman.

(c) In unusual circumstances, the time limits prescribed in this section may be extended by the Secretary by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than 10 working days in the aggregate. One 10-day extension may be invoked at the initial stage or at the appellate stage, or divided between the two, so long as the total extended time does not exceed 10 working days with respect to a particular request. The Secretary will be responsible for allocating distribution of the 10 days on a case-by-case basis. "Unusual circumstances" as used in this paragraph means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the requests;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) If the Commission fails to comply with the applicable time limit provisions of this section, the Commission can request the court for additional time to complete its review of the records by showing that exceptional circumstances exist and that it is exercising due diligence in responding to the request.

(e) Any notification of denial of any request for records under this section will set forth the names and titles or positions of each person responsible for the denial of such request.

(f) Upon any determination to comply with a request for records, the records will be made promptly available to such person making such request.

§ 388.108 Procedure in event of subpoena.

If an officer or employee of the Commission is served with a subpoena duces tecum, for material which is not part of the public file and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

§ 388.109 Procedures for requesting information.

Requests for information may be addressed to the Division of Public Information of the Commission, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. Public records are available for public inspection and copying at that office, in accordance with this part. Pleadings and other filings are filed in accordance with § 385.2001 (filings). A description of the facilities available for public reference and the procedures that may be employed to obtain information, copies of public records, or to secure informal advice and assistance from or consultation with members of the staff on problems relating to the statutes and regulations administered by the Commission is contained in § 3.8 of this chapter (information and requests).

PART 1b—RULES RELATING TO INVESTIGATIONS

4. Part 1b of Chapter I is amended as follows:

§ 1b.12 [Amended]

(a) In the last sentence of § 1b.12, by removing "§ 1.21(b) of the rules of practice," and adding in lieu thereof "§ 385.1904(b)";

§ 1b.16 [Amended]

(b) In the first sentence of § 1b.16(b), by removing "§ 1.4 of the rules of practice and procedures," and adding in lieu thereof "§ 385.2101 of this chapter";

§ 1b.16 [Amended]

(c) In the last sentence of § 1b.16(c)(4), by removing "§ 1.4 of the Commission's rules of practice, and § 1100.11 of the rules of practice of the Interstate Commerce Commission", and adding in lieu thereof "§ 385.2101 of this chapter";

§ 1b.17 [Amended]

(d) In § 1b.17, by removing "§ 1.4 of the Commission's rules of practice" and adding in lieu thereof "Subpart U of this part"

PART 2—GENERAL POLICY AND INTERPRETATIONS

5. Part 2 of Chapter I is amended as follows:

§ 2.1a [Amended]

(a) In the first sentence of § 2.1a(b), by removing "and § 1.7(e) of this Title";

§ 2.17 [Amended]

(b) In § 2.17(f), by removing "18 CFR 1.17(c)." and adding in lieu thereof "§ 385.2010(c) of this chapter";

§ 2.56a [Amended]

(c) In the first sentence of § 2.56a(g), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.56 [Amended]

(d) In § 2.56(h), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.59 [Amended]

(e) In § 2.59(a), by removing "§§ 1.8(d) and 154.27 of this chapter, *i.e.*, Rules of Practice and Procedure and Regulations, Under the Natural Gas Act respectively." and adding in lieu thereof "§ 385.214 and § 154.27 of this chapter).";

§ 2.59 [Amended]

(f) In § 2.59(e), by removing "§ 1.18 of this chapter" both times it appears and adding in lieu thereof "§ 385.601 of this chapter" in each instance;

§ 2.59 [Amended]

(g) In § 2.59(i), by removing "Notwithstanding the provisions of § 1.19(e) of this chapter (Rules of Practice and Procedure), relating to offers of settlement, the" and adding in lieu thereof "The";

§ 2.62 [Amended]

(h) In § 2.62(a), by removing "§§ 1.8(d) and 154.27 of this chapter, *i.e.*, Rules of Practice and Procedure and Regulations Under the Natural Gas Act, respectively," and adding in lieu thereof § 385.214 and § 154.27 of this chapter.";

§ 2.68 [Amended]

(i) In the first sentence of § 2.68(b), by removing "§ 1.7 of the Commission's rules of practice and procedure in" and adding in lieu thereof "§ 385.207 of ";

§ 2.78 [Amended]

(j) In § 2.78(a)(2), by removing "§ 1.7(b) of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 2.78 [Amended]

(k) In the first sentence of § 2.78(b), by removing "§ 1.7(b) of this chapter and shall conform to the requirements of § 1.15 and § 1.16" and adding in lieu thereof "§ 385.1501";

§ 2.100 [Amended]

(l) In the second sentence of § 2.100(c), by removing "§ 1.31(b)(2) of the Commission's General Rules" and adding in lieu thereof "§ 385.711(b)(4) of this chapter";

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

6. Part 3 of Chapter I is amended as follows:

§ 3.8 [Amended]

(a) In the last sentence of § 3.8(e), by removing "§ 1.36(a)" and adding in lieu thereof "§ 388.106 of this chapter";

§ 3.103 [Removed]

(b) In § 3.103, by removing the entire section.

PART 3a—NATIONAL SECURITY INFORMATION

7. Part 3a of Chapter I is amended as follows:

§ 3a.11 [Amended]

(a) In § 3a.11(d)(1), by removing "§ 1.36(c)(14) of the rules of practice and procedures of the Federal Power

Commission (18 CFR 1.36(c)(14))." and adding in lieu thereof "§ 388.105(n) of this chapter"

PART 3c—STANDARDS OF CONDUCT

8. Part 3c of Chapter I is amended as follows:

§ 3c.5 [Amended]

(a) In § 3c.5(d)(3), by removing "Section 1.4(c) of the Federal Power Commission's rules of practice and procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter."

§ 3c.6 [Amended]

(b) In the first sentence of § 3c.6(c), by removing "Section 1.36 of the Commission's rules of practice and procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter", and, in the second sentence thereof, by deleting "Section 1.36(f)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.11 [Amended]

(c) In § 3c.11(f)(2), by removing "Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter";

§ 3c.11 [Amended]

(d) In § 3c.11(g)(2), by removing "Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c)." and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.106 [Amended]

(e) In the first sentence of §3c.106 (f)(2)(iii), by removing "Section 1.4(e) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.107 [Amended]

(f) In the first sentence of § 3c.107(b)(2), by removing "Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.107 [Amended]

(g) In the second sentence of § 3c.107(b)(2), by removing "§ 1.36(f)" and adding in lieu thereof "§ 388.107 of this chapter";

§ 3c.112 [Amended]

(h) In the first sentence of § 3c.112(h)(2), by removing "Section 1.4(c) of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1.4(c))" and adding in lieu thereof "Section 385.2103 of this chapter";

§ 3c.205 [Amended]

(i) In the first sentence of § 3c.205(b)(2), by removing "Section 1.36 of the Commission's Rules of Practice and Procedure (18 CFR 1.36)" and adding in lieu thereof "Part 388 of this chapter"; and, in the second sentence thereof, by deleting "§ 1.36(f)" and adding in lieu thereof "Section 388.107 of this chapter";

§ 3c.206 [Amended]

(j) In § 3c.206(f)(2), by removing "Section 1.36 of the Federal Power Commission's Rules of Practice and Procedure (18 CFR 1,.36)" and adding in lieu thereof "Part 388 of this chapter".

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

9. Part 4 of Chapter I is amended as follows:

§ 4.5 [Amended]

(a) In § 4.5, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.14 [Amended]

(b) In § 4.14(a), by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.23 [Amended]

(c) In the third sentence of §4.23, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

§ 4.31 [Amended]

(d) In §4.31(a) by removing "Conform to the requirements of §§ 1.5, 1.14, 1.15, 1.16, and 1.17 of this chapter, except as otherwise described in this part; and" and adding in lieu thereof "[Reserved]";

§ 4.33 [Amended]

(e) In § 4.33(b), by removing "must conform to the requirements of §§ 1.14, 1.15, 1.16, and 1.17 of this chapter, and";

§ 4.81 [Amended]

(d) In § 4.81(c)(3), by removing "§ 1.14(a)(2)" and adding in lieu thereof "§ 385.1901";

§ 4.92 [Amended]

(e) In § 4.92(b) by removing the text of paragraph (b)(1) and adding in lieu thereof "[Reserved]";

§ 4.92 [Amended]

(f) In § 4.92(c)(1)(i), by removing "§ 1.7(b)" and adding in lieu thereof "§ 385.1501";

§ 4.92 [Amended]

(g) In the last sentence of § 4.92(c)(2), by removing "18 CFR 1.7(b)" and adding in lieu thereof "18 CFR 385.1901";

§ 4.103 [Amended]

(h) In § 4.103(d), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 4.107 [Amended]

(j) in § 4.107(a)(1), by removing the last sentence;

PART 12—SAFETY OF WATER POWER PROJECTS AND PROJECT WORKS

10. Part 12 of Chapter I is amended as follows:

§ 12.2 [Amended]

(a) In § 12.2(b), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 12.4 [Amended]

(b) In § 12.4(c)(1) by removing "§ 1.7" and adding in lieu thereof "§ 385.207".

PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

11. Part 16 of Chapter I is amended as follows:

§ 16.4 [Amended]

(a) In § 16.4, by removing "§§ 1.37 and 2.1" and adding in lieu thereof "§ 2.1 and Subpart M of Part 385";

§ 16.9 [Amended]

(b) In § 16.9, by removing "§ 1.34" and adding in lieu thereof "§ 385.713";

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION OF ENTRY

12. Part 25 of Chapter I is amended as follows:

§ 25.2 [Amended]

(a) In § 25.2, by removing "§ 1.20" and adding in lieu thereof Subpart E of Part 385.".

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES, TRANSMISSION TO FOREIGN COUNTRY

13. Part 32 of Chapter I is amended as follows:

§ 32.4 [Amended]

(a) In § 32.4, by removing "and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter";

§ 32.37 [Amended]

(b) In § 32.37, by removing "and must conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter";

§ 32.61 [Amended]

(c) In the first sentence of § 32.61(i), by removing "and shall conform, in all other respects, to the requirements of §§ 1.15 through 1.17 of this chapter".

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

14. Part 33 of Chapter I is amended as follows:

§ 33.5 [Reserved]

(a) In § 33.5, by removing the text of the entire section and adding in lieu thereof "[Reserved]".

PART 35—FILING OF RATE SCHEDULES

15. Part 35 of Chapter I is amended as follows:

§ 35.8 [Amended]

(a) In the first sentence of the fourth paragraph of the notice form in § 35.8(a), by removing "§§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10)" and adding in lieu thereof "§ 385.212 and § 385.207 of this chapter";

§ 35.13 [Amended]

(a) In the second sentence of § 35.13(a), by removing "§ 1.7" and adding in lieu thereof "§ 385.207";

§ 35.14 [Amended]

(c) In § 35.14(a)(10), by removing "§ 1.7(b) of the rules of practice and procedure" and adding in lieu thereof "§ 385.2010 of this chapter";

PART 41—ACCOUNTS, RECORDS, AND MEMORANDA

16. Part 41 of Chapter I is amended as follows:

§ 41.4 [Amended]

(a) In § 41.4, by removing the first sentence and adding in lieu thereof "Each copy of such memorandum must be complete in itself.";

§ 41.4 [Amended]

(b) In the second sentence of § 41.4, by removing "§ 1.29" and adding in lieu thereof "§ 385.706(c)";

§ 41.7 [Amended]

(c) In the first sentence of § 41.7, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385";

PART 131—FORMS

17. Part 131 of Chapter I is amended as follows:

§ 131.1 [Reserved]

(a) In § 131.1, by removing the text of the entire section and adding in lieu thereof "[Reserved]".

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1(C) THEREOF

18. Part 152 of Chapter I is amended as follows:

§ 152.2 [Amended]

(a) In the first sentence of § 152.2, by removing "and shall conform, in all other respects with §§ 1.15 and 1.16 of this chapter";

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

19. Part 153 of Chapter I is amended as follows:

§ 153.2 [Amended]

(a) In the first sentence of § 153.2, by removing "and shall conform, in all other respects with §§ 1.15 and 1.16 of this chapter";

§ 153.11 [Amended]

(b) In the first sentence of § 153.11, by removing "and shall conform in all other respects with §§ 1.15 and 1.16 of this chapter".

PART 154—RATE SCHEDULES AND TARIFFS

20. Part 154 of Chapter I is amended as follows:

§ 154.94 [Amended]

(a) In the second sentence of § 154.94(j)(5)(ii), by removing "Section 1.28" and adding in lieu thereof "Section 385.715";

§ 154.105 [Amended]

(b) In the first sentence of § 154.105(j), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.106 [Amended]

(c) In the first sentence of § 154.106(h), by removing "§ 1.7(b) of the Commission's rules of practice and procedure (§ 1.7(b) of this chapter)" and adding in lieu thereof "§ 385.101 of this chapter";

§ 154.107 [Amended]

(d) In the first sentence of § 154.107(e), by removing "§ 1.7(b) of this chapter of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.108 [Amended]

(e) In the first sentence of § 154.108(e), by removing "§ 1.7(b) of this chapter of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.109 [Amended]

(f) In the first sentence of § 154.109(f), by removing "§ 1.7(g) of the Commission's rules of practice and procedure (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 154.109 [Amended]

(g) In the first sentence of § 154.109a(e), by removing "§ 1.7(b) of the Commission's rules of practice and procedure in this chapter (18 CFR 1.7(b))" and adding in lieu thereof "§ 385.1901 of this chapter".

PART 156—APPLICATIONS FOR ORDERS UNDER SECTION 7(a) OF THE NATURAL GAS ACT

21. Part 156 of Chapter I is amended as follows:

§ 156.3 [Amended]

(i) In the second sentence of § 156.3(a), by removing ", and applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter";

§ 156.3 [Amended]

(b) In the second sentence of § 156.3(a), by removing "§ 1.11" and adding in lieu thereof "§ 385.213 and § 385.214";

§ 156.5 [Amended]

(c) In § 156.5(c), by removing the last sentence;

§ 156.7 [Amended]

(d) In § 156.7, by removing the next to last sentence;

§ 156.10 [Amended]

(e) In § 156.10, by removing "§ 1.19(b)" and adding in lieu thereof "§ 385.2009".

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

22. Part 157 of Chapter I is amended as follows:

§ 157.6 [Amended]

(a) In the second sentence of § 157.6(a), by removing ", and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16 and 1.17 of this chapter";

§ 157.6 [Amended]

(b) In the third sentence of § 157.6(a), by removing "§ 1.11" and adding in lieu thereof "§ 385.213 and § 385.214";

§ 157.6 [Amended]

(c) In § 157.6(c), by removing "§ 1.32(b)" and adding in lieu thereof "§ 385.802";

§ 157.8 [Amended]

(d) In the third sentence of § 157.8, by removing "§ 1.14" and adding in lieu thereof "§ 385.2001(b)";

§ 157.10 [Amended]

(e) In the first sentence of § 157.10, by removing "§ 1.8" and adding in lieu thereof "§ 385.212";

§ 157.10 [Amended]

(f) In the fourth sentence of § 157.10, by removing "§§ 1.7, 1.8 and 1.37(f)" and adding in lieu thereof "§ 385.212";

§ 157.10 [Amended]

(g) In the last sentence of § 157.10, by removing "§ 1.10" and adding in lieu thereof "§ 385.209";

§ 157.11 [Amended]

(h) In the first sentence of § 157.11(a), by removing "§ 1.19(b)" and adding in lieu thereof "§ 385.2009";

§ 157.11 [Amended]

(i) In § 157.11(b), by removing "§ 1.32(b)" and adding in lieu thereof "§ 385.802";

§ 157.14 [Amended]

(j) In the last sentence of § 157.14(a)(10)(vi), by removing "paragraph (f) of § 1.36" and adding in lieu thereof "§ 388.107";

§ 157.14 [Amended]

(k) In the second sentence of § 157.14(c), by removing "and shall conform in all other respects with §§ 1.15, 1.16, and 1.17 of this chapter unless otherwise directed by the Secretary";

§ 157.26 [Amended]

(l) In § 157.26, by removing the text of the section and adding in lieu thereof "An application under § 157.23 (which shall include the originals of all exhibits accompanying the applications) shall be verified.";

§ 157.101 [Amended]

(m) In § 157.101(c), by removing "§ 1.34" and adding in lieu thereof § 385.713".

PART 158—ACCOUNTS, RECORDS, AND MEMORANDA

23. Part 158 of Chapter I is amended as follows:

§ 158.3 [Amended]

(a) In the first sentence of § 158.3, by removing "§ 1.17" and adding in lieu thereof "§ 385.2010";

§ 158.4 [Amended]

(b) in § 158.4(c), by removing the first sentence and adding in lieu thereof "Each memorandum must be complete in itself."; and in the second sentence, by removing "§ 1.29" and adding in lieu thereof "§ 385.706";

§ 158.7 [Amended]

(c) in § 158.7, by removing "§ 1.20" and adding in lieu thereof "Subpart E of Part 385".

PART 250—FORMS

24. Part 250 of Chapter I is amended as follows:

§ 250.1 [Reserved]

(a) In § 250.1, by removing the text of the section and adding in lieu thereof "[Reserved]".

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

25. Part 270 of Chapter I is amended as follows:

§ 270.202 [Amended]

(a) In § 270.202(d), by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385".

PART 271—CEILING PRICES

26. Part 271 of Chapter I is amended as follows:

§ 271.402 [Amended]

(a) In the first sentence of § 271.402(c)(5), by removing § 1.7(b)" and adding in lieu thereof "§ 385.1901";

§ 271.806 [Amended]

(b) In the last sentence of § 271.806(c), by removing "§ 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c))" and adding in lieu thereof "§ 385.207 of this chapter";

§ 271.1106 [Amended]

(c) In § 271.1106, by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385".

PART 275—COMMISSION DETERMINATIONS AND REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

27. Part 275 of chapter I is amended as follows:

§ 275.204 [Amended]

(a) In § 275.204(f), by removing "§§ 1.17 and 1.51" and adding in lieu thereof "§ 385.2010".

PART 281—NATURAL GAS CURTAILMENT UNDER THE NATURAL GAS POLICY ACT OF 1978

28. Part 281 of Chapter I is amended as follows:

§ 281.110 [Amended]

(a) In § 281.110(b), by removing "§ 1.6" and adding in lieu thereof "§ 385.206";

§ 281.111 [Amended]

(b) In the first sentence of § 281.111, by removing "§ 1.7 of the Commission's regulations" and adding in lieu thereof "§ 385.207 of this chapter";

§ 281.214 [Amended]

(c) In § 281.214(a), by removing "§ 1.6" and adding in lieu thereof "§ 285.206";

§ 281.215 [Amended]

(d) In the first sentence of § 281.215, by removing "§ 1.7 of the Commission's Regulations" and adding in lieu thereof "§ 385.207 of this chapter".

PART 282—INCREMENTAL PRICING

§ 282.20 [Amended]

29. Part 282 of Chapter I is amended as follows:

§ 282.201 [Amended]

(a) In the last sentence of § 282.201, by removing "§ 1.41" and adding in lieu thereof "Subpart K of Part 385 of this chapter";

§ 282.204 [Amended]

(b) In § 282.204(f)(2), by removing "§ 1.10" and adding in lieu thereof "§ 385.209 of this chapter";

§ 282.206 [Amended]

(c) In § 282.206(a)(2)(i), by removing "§ 1.7" and adding in lieu thereof "§ 385.207 of this chapter";

§ 282.206 [Amended]

(d) In the first sentence of § 282.206(b)(2)(i), by removing "§ 1.41(h)" and adding in lieu thereof "§ 385.1108(h) of this chapter";

§ 282.403 [Amended]

(e) In § 282.403(g)(1), by removing "§ 1.10" and adding in lieu thereof "§ 385.209 of this chapter".

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

30. Part 284 of chapter I is amended as follows:

§ 284.6 [Amended]

(a) In § 284.6(a), by removing "§ 1.42" and adding in lieu thereof "subpart L of Part 385";

§ 284.208 [Amended]

(b) In § 284.208(d)(1), by removing "§ 1.32" and adding in lieu thereof "Subpart H of Part 385";

§ 284.222 [Amended]

(c) In the first sentence of § 284.222(b), by removing "§§ 1.32 and 157.11" and adding in lieu thereof "§ 157.11 and subpart H of Part 385 of this chapter".

PART 286—ADMINISTRATIVE PROCEDURES

31. Part 286 of chapter I is amended as follows:

§ 286.102 [Amended]

(a) In § 286.102(c), by removing "Part 1, Subchapter H, Chapter I" and adding in lieu thereof "§ 385.713 of this chapter".

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

32. Part 292 of Chapter I is amended as follows:

§ 292.207 [Amended]

(a) In the first sentence of the third paragraph of the notice form in § 292.207(b)(6)(ii), by removing "§§ 1.8 and 1.10 of the Commission's rules of practice and procedure" and adding in lieu thereof "§ 385.214 and § 385.209 of this chapter".

PART 375—THE COMMISSION

33. Part 375 of Chapter I is amended as follows:

§ 375.202 [Amended]

(a) In § 375.202(b)(1), by removing "§ 1.1(f)(19)" and adding in lieu thereof "§ 388.101(c)";

§ 375.202 [Amended]

(b) In § 375.202(b)(2), by removing "§ 1.36(c)(2)" and adding in lieu thereof "§ 388.105(b)";

(c) In the last sentence of § 375.301, by removing "§ 1.7(d)" and adding in lieu thereof "§ 385.1902";

(d) By adding to § 375.301 a new paragraph to read as follows:

§ 375.301 Purpose.

* * * * *

(c) For purposes of Subpart C, "uncontested" and "in contested cases" mean that no motion to intervene, or notice of intervention, in opposition to the pending matter made under § 385.214 (intervention) has been received by the Commssion.

§ 375.302 [Amended]

(e) In the first sentence of § 375.302(b) by removing "§ 1.8" and adding in lieu thereof "§ 385.212";

(f) In § 375.302, by removing paragraph (f);

(g) In § 375.302(g), by removing after "extension of time" the following: "(other than motions made while a proceeding is pending before a presiding officer as defined in § 385.102(d))", and by deleting "Part 1" and adding in lieu thereof "Part 385";

§ 375.304 [Amended]

(h) In § 375.304, by removing "the Commission's rules of practice and procedure, particularly § 1.27" and adding in lieu thereof "Part 385, particularly § 385.504";

§ 375.307 [Amended]

(i) In § 375.307(g), by removing "§ 1.11(d)(1) of this Chapter" and adding in lieu thereof "§ 385.214 of this chapter";

§ 375.307 [Amended]

(j) In § 375.307(j), by removing "§ 1.14(a)(2) of this Chapter" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 375.308 [Amended]

(k) In § 375.308(h), by removing "§ 1.11(d)(3)" and adding in lieu thereof "§ 385.214";

§ 375.308 [Amended]

(l) In § 375.308(o), by removing "§ 1.14(a)(2)" and adding in lieu thereof "§ 385.1901";

§ 375.308 [Amended]

(m) In § 375.308(gg), by removing "§ 1.14(a)(2) of this Chapter" and adding in lieu thereof "§ 385.1901 of this chapter";

§ 375.309 [Amended]

(n) In § 375.309(b), by removing "§ 1.12 of this Chapter" and adding in lieu thereof "§ 1b.12 of this chapter"; and

§ 375.310 [Amended]

(o) In § 375.310(a), by removing "§ 1.38 and § 1.40" and adding in lieu thereof "Subpart I and Subpart J of Part 385 of this chapter".

34. Chapter I, Title 18 of the *Code of Federal Regulations* is amended by adding the following:

Form of Notice for "Federal Register"

Oil pipeline carriers must file a form of notice suitable for publication in the **Federal Register** in the following form:

United States of America Federal Energy Regulatory Commission

(Name of Carrier) _____

Docket No. _____

Notice of Proposed Changes in FERC Tariff

Take notice that (name of carrier), on (date), tendered for filing proposed changes in its FERC No. (number); Supp. No. (number) to FERC No. (number); revised page to FERC No. (number) to be effective (or issued) on (date). [The following language in the first paragraph applies only to increased rate filings.] The proposed changes would increase revenues by (dollar amount) based on the 12 month period ending (date). [If changes other than increased rates and charges are proposed, the carrier must state concisely the nature of these changes.]

[The carrier must briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the carrier's subscribers.

A person desiring to be heard or to protest said filing should file an intervention or protest with the Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). The interventions or protests should be filed on or before (date). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. A person wishing to become a party must intervene. Copies of this filing are

on file with the Commission and are available for public inspection.

[FR Doc. 81-8051 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 20 and 803

[Docket No. 79N-0182]

Medical Devices; Mandatory, Device Experience Reporting

Correction

In FR Doc. 80-36093, published at page 76183, in the issue of Tuesday, November 18, 1980, make the following corrections:

1. On page 76184, third column, the seventh line, now reading "ethics of the the profession" should read "ethics of the medical profession."

2. On page 76188, § 803.3, in the third column, some extra material was inadvertently repeated in the fourth and fifth line of paragraph (b). The beginning of paragraph (b) should read:

(b) "Distributor" means any person or firm that furthers the marketing of a device from the original place of manufacture to the person who . . .

3. In the second line from the bottom of § 803.3(b), the word "does" should appear between the words "but" and "not."

BILLING CODE 1505-01-M

21 CFR Part 601

[Docket No. 80N-0523]

Reclassification Procedures To Determine That Licensed Biological Products Are Safe, Effective, and Not Misbranded Under Prescribed, Recommended, or Suggested Conditions of Use; Proposed Revision; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule; Extension of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on a proposal to revise the existing biologics regulations governing the review and classification of certain biological products. The extension is being granted in response to requests from a licensed manufacturer of biological products and the Joint Council of Allergy and Immunology.

DATE: Written comments by May 18, 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: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 16, 1981 (46 FR 4634), FDA proposed to amend the biologics regulations under Part 601 (21 CFR Part 601) concerning the review and classification of biological products licensed prior to July 1972, and issue new regulations to reclassify biological products that have been classified in Category IIIA by advisory review panels into either Category I (safe, effective, and not misbranded) or Category II (unsafe, ineffective, or misbranded). In addition, the January 16, 1981, proposal would permit interim marketing, pending completion of clinical studies, of any biological product reclassified into Category II for which there is a compelling medical need and no suitable alternative therapeutic, prophylactic, or diagnostic agent. Interested persons were given until March 17, 1981, to comment on this proposal.

A licensed manufacturer of allergenic extracts has submitted to the agency a request for an extension of the common period of at least 30 days. The request stated that there will be a scheduled meeting of an allergy and immunology society in the near future and that the proposed regulation is likely to be discussed at that meeting. The manufacturer believed that additional time beyond the original comment period would then be needed to prepare appropriate comments. In addition, the Joint Council of Allergy and Immunology has requested that the comment period be extended for 60 days. This organization represents the American Academy of Allergy, the American College of Allergists, the American Association for Clinical Immunology and Allergy, and the American Association of Certified Allergists. The Joint Council of Allergy and Immunology pointed out in its request that it has notified each of its member allergists throughout the nation of the proposed regulation and its potential impact on the availability of Category IIIA allergenic extracts, and that the additional 60 days is necessary for coordinating a response that would represent the views of its members.

Because of the length of the proposal, the timing of the meeting referenced by the manufacturer's request for a comment period extension, the efforts of the Joint Council of Allergy and Immunology to coordinate a response to the proposal, and the potential impact the proposed new procedures could have on biological products classified in Category IIIA under the existing regulations, FDA finds that the requests are reasonable. Therefore, in response to the requests, FDA is extending the comment period for all interested persons to May 18, 1981.

Interested persons may, on or before May 18, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the proposal. 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.

Dated: March 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8070 Filed 3-12-81; 11:05 am]

BILLING CODE 4110-03-M

21 CFR Part 876

[Docket No. 78N-2014]

Medical Devices; Classification of Hemodialysis Systems and Accessories

Correction

In FR Doc. 81-796, at page 7623, in the issue of Friday, January 23, 1981, on page 7625, in the middle column, the twenty-second line from the bottom, insert the word "air" after the word "fatal".

BILLING CODE 1505-01-M

21 CFR Part 876

[Docket No. 78N-2038]

Medical Devices; Classification of Hemodialyzers With Disposable Inserts (Kill Type)

Correction

In FR Doc. 81-797, at page 7627, in the issue of Friday, January 23, 1981, on page 7628, in the first column, under the first bold heading "**Proposed**

Classification", in the third line, correct "disposal" to read "disposable" and on the same page, in the same column, under the section heading **"§ 876.5830 HEMODIALYZER WITH DISPOSAL INSERT (KILL TYPE).",** paragraph (a), the second line, correct "disposal" to read "disposable".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-2039]

Medical Devices; Classification of High Permeability Hemodialysis Systems

Correction

In FR Doc. 81-798, at page 7628, in the issue of Friday, January 23, 1981, on page 7629, in the first column, the fourth line from the end, correct "serving" to read "severing".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-1968]

Medical Devices; Classification of Penile Inflatable Implants

Correction

In FR Doc. 81-757, on page 7577, in the issue of Friday, January 23, 1981, in the last column, under the **"SUPPLEMENTARY INFORMATION",** the third full paragraph designated as "2.", the second line correct "II" to read "III".

BILLING CODE 1505-01-M

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21 CFR Part 876

[Docket No. 78N-1950]

Medical Devices; Classification of Urodynamics Measurement Systems

Correction

In FR Doc. 81-753, on page 7573, in the issue of Friday, January 23, 1981, correct the docket number to read as found in the above heading.

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 81-22]

Interest in Reparation Proceedings

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: Rapid fluctuations in interest rates have required the FMC to modify its past practice regarding awards of interest in reparation proceedings. This proposed rule would prescribe the rate of interest to be granted as part of reparation awards in cargo misrating cases. Interest would be based on the rates on 6-month U.S. Treasury bills. The intended effect of the rule is to compute interest awards that more accurately reflect prevailing interest rates during the reparation period involved in each case.

DATE: Comments on or before May 13, 1981.

ADDRESS: Inquiries and comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523-5725.

SUPPLEMENTARY INFORMATION: This proposed rule has been deemed necessary to ensure both uniformity and fairness in the disposition of cases in which interest is granted as part of an award of reparations. It has been determined that awards of interest on reparations due to the misrating of cargo should be the usual course of action. Exceptions to this norm would be considered by the Commission on an *ad hoc* basis.

Generally, a rate of interest is assessed on such reparation awards not as a punitive measure, but in order to make the complainant shipper whole. This is intended to compensate the claimant for the loss of use of monies during the overpayment period.

When interest rates in the nation's money markets are stable, it is possible to set an interest rate on reparation awards that reflects, over time, the overall levels of interest rates in the economy. Thus in May 1980, the Commission issued a policy statement indicating that in cases involving misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916, and section 2 of the Intercoastal Shipping Act, 1933, a rate of 12 percent should generally be applied to reparation awards.

Subsequent to this statement of policy, however, interest rates in the economy became increasingly volatile and began to deviate widely from the 12 percent guideline. The Commission recognized the need for a rate of interest on reparation awards that would be more reflective of the fluctuating level of interest rates in the rest of the economy, and issued an order on January 5, 1981, repealing the interest award policy statement.

The interest rate procedure applied should not only be responsive to market interest rates but also simple to compute. The Commission believes that basing the rate of interest to be applied to the rate of interest on 6-month U.S. Treasury bills meets these objectives. The reparation rate of interest would be computed by averaging the monthly rates on 6-month Treasury bills from the month when the overpayment was made to the latest available monthly Treasury bill rate at the time the settlement officer or administrative law judge grants the award.

The monthly rates on 6-month U.S. Treasury bills are available in the *Federal Reserve Bulletin* published monthly by the Board of Governors of the Federal Reserve System. For example, Table 1.35 titled "Interest Rates Money and Capital Markets" on page A25 of the December 1980 *Federal Reserve Bulletin* lists monthly rates in secondary markets on 6-month U.S. Treasury bills for August through November 1980. Specifically, line 14 of this table shows the August through November 1980 rates respectively at 9.41, 10.54, 11.63, and 13.50 percent.

This proposed rule would appear to be exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Section 601(2) of that Act excepts from its coverage any "rule of particular applicability related to rates . . . or practices relating to such rates. . . . While the proposed rule would seem to be one "relating to rates," due to the absence of informative legislative history on this point and the lack of interpretative guidelines, and without prejudice to any future determination as to the applicability of the Act to this or any related rule, the following regulatory flexibility analysis is being provided.

The reason for, the objectives of, and legal basis for the proposed rule are stated above. The proposed rule, if adopted could affect a significant number of small businesses. It is impossible to estimate the number of small entities that could be affected. This proposed regulation would not impose substantial reporting requirements nor any additional record keeping requirements. The Commission knows of no relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

This rule is intended to result in a favorable economic impact on small entities. Accordingly, consideration of alternatives which minimize the economic impact of the rule would appear to be unnecessary. However, the Commission has considered alternatives to the proposed rule and has determined that they are impractical. A discussion

of one of these alternatives appears above.

Comments are invited from small entities and the general public on the proposed rule's impact on small business. Any comments received will be considered by the Commission before adopting a final rule.

Therefore, pursuant to sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841(a)) and 5 U.S.C. 553, Part 502 of the Code of Federal Regulations is proposed to be amended by the addition of a new § 502.253 as follows:

§ 502.253 Interest in reparation proceedings.

Except as to applications for refund or waiver of freight charges under § 502.92 of this part, interest will be granted on awards of reparation in cases involving the misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933. The rate of interest will be computed by averaging the monthly rates on 6-month U.S. Treasury bills commencing with the rate for the month when the overpayment was made to the latest available monthly Treasury bill rate.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8062 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21313; RM-2646; RM-2717; RM-3038; RM-3039; RM-3040]

AM Stereophonic Broadcasting; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends time for the filing of reply comments in Docket No. 21313, AM Stereophonic Broadcasting, from March 9, 1981, to and including March 23, 1981, in response to a motion submitted by Motorola, Inc.

DATE: Reply comments must be filed on or before March 23, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: March 4, 1981.

Released: March 10, 1981.

In the Matter of AM Stereophonic Broadcasting; Order extending time for the filing of reply comments; Docket No. 21313, RM-2646, RM-2717, RM-3038, RM-3039, RM-3040. See also 45 FR 59350, September 9, 1980.

1. Presently before the Commission is a motion submitted on March 2, 1981, by Motorola, Inc., ("Motorola"), requesting that the date for the filing of reply comments in the above-captioned proceeding be extended from March 9, 1981, to and including March 23, 1981.

2. In support of its motion, Motorola states that it has been analyzing the extensive data submitted in comments by other system proponents since shortly after those comments were filed, on or about February 9, 1981. Motorola argues that because of the length and complexity of the comments, additional time is necessary for adequate analysis. Motorola submits that allowing such time to system proponents will serve to facilitate the Commission's review of the record in this proceeding.

3. In view of the extraordinary length and complexity of the comments filed by various parties, the Commission is of the view that good cause has been shown and the public interest would be served by the grant of the brief extension of time requested by Motorola. The Commission intends to resolve this proceeding as expeditiously as possible, and all parties should be aware that, absent extraordinary circumstances, further extensions of time in this proceeding will not be granted.

4. Accordingly, it is ordered, That the motion for extension of time for the submission of reply comments in this proceeding, filed by Motorola, Inc., IS GRANTED, and the time for filing said reply comments is hereby extended to and including March 23, 1981.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-8075 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

General Rules of Practice; Ex Parte Communications

Cross Reference: For a document issued by the Federal Energy Regulatory Commission (FERC) proposing to terminate the applicability of the Interstate Commerce Commission's General Rules of Practice (49 CFR Part 1100) to oil pipeline matters, except for §§ 1100.43 through 1100.52 (modified procedures) and Appendix C (ex parte rules) see FR Doc. 81-8051 published in the Proposed Rules section of this issue. Section 705(a) of the Department of Energy Act provides that rules and regulations relating to functions transferred to the FERC shall continue in effect until modified by the FERC (42 U.S.C. 7295). Refer to the Table of Contents under Federal Energy Regulatory Commission for the correct page number.

BILLING CODE 6450-85-M

Notices

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 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

Agricultural Stabilization and Conservation Service

Bankruptcy Grain Elevator Issue; Request for Comment

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Notice.

SUMMARY: Secretary of Agriculture John Block has appointed a U.S. Department of Agriculture task force to review current warehouse laws and regulations and to recommend possible changes to safeguard the interests of both farmers and the Government when a commercial grain elevator is insolvent. The task force is chaired by Mr. Edward Hews, Acting Administrator of the Agricultural Stabilization and Conservation Service (ASCS).

ASCS is asking the public to submit comments and recommendations to the U.S. Department of Agriculture on how to best protect the interests of both farmers and the Government when dealing with grain elevators insolvency.

DATES: The Agricultural Stabilization and Conservation Service will consider comments that are received by 4:45 p.m. (EST), April 15, 1981.

ADDRESS: Comments should be directed to: Mr. Merrill Marxman, Elevator Task Force Working Group, Room 5959-South Building, ASCS–USDA, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Merrill Marxman, Elevator Task Force Working Group, Room 5959-South Building, P.O. Box 2415, Washington, DC 20013; telephone (202) 447–4593.

SUPPLEMENTARY INFORMATION: The USDA task force will consider the comments during its current review of all existing laws and regulations dealing with the questions of grain ownership at insolvent elevators. The public comments will be especially important to the task force as there are no current studies or reports directly related to this matter. The study by the task force will not be restricted to bankrupt elevators but will also consider possible actions that can be taken to avoid insolvency.

Dated: March 11, 1981.

Edward Hews,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-8085 Filed 3-16-81; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Oh-Be-Joyful Wilderness Study Area; Intent To Prepare Environmental Impact Statement

The U.S. Department of Agriculture, Forest Service, will prepare an environmental impact statement for the Oh-Be-Joyful Wilderness Study Area, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, in accordance with the Council on Environmental Quality Regulations (40 CFR 1500).

Oh-Be-Joyful Wilderness Study Area consists of approximately 5,500 acres in the Gunnison National Forest, Gunnison County, Colorado, and was designated as a Wilderness Study Area by Congress in Pub. L. 96–560 (Sec. 106), December 22, 1980. The Secretary of Agriculture was directed to make a recommendation to the President and the Congress on the suitability or unsuitability for inclusion of Oh-Be-Joyful in the National Wilderness Preservation System in accordance with Sec. 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892). The final decision on the wilderness designation will be made by Congress.

Management alternatives being considered include: (1) nonwilderness; (2) wilderness; and, (3) no action. The no action alternative is constrained because Pub. L. 96–560 requires a recommendation for management within 3 years. No action would mean a deferment of the recommendation at this time.

The major issues and concerns being analyzed in determining wilderness suitability are: (1) minerals development potential; and, (2) water quality and water storage developments.

R. Max Peterson, Chief, Forest Service, is the responsible official. Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the study are invited to provide written comments. These comments will be used to supplement public issues and management concerns from previous planning efforts and public involvement activities. Written comments should be sent to Jimmy R. Wilkins, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, 1063 Main Street, Delta, Colorado 81416, by April 6, 1981.

The estimated date for filing the draft environmental impact statement is June 1981. There will be a 60-day public review period during which public hearings will be held to consider the draft environmental impact statement and the recommended action. Notification for the time and location of these meetings will be published in the **Federal Register** and local and regional newspapers at a later date, but at least 30 days prior to the hearing dates. The estimated date for filing the final environmental impact statement is May 1982.

Questions about the planning process, public involvement activities, or the environmental impact statement should be directed to Nils A. (Arnie) Arneson, Program Manager, Recreation, Lands, and Minerals, Grand Mesa, Uncompahgre, and Gunnison National Forests, 1063 Main Street, Delta, Colorado 81416 (phone 303–874–7691).

Dated: March 5, 1981.

R. M. Housley,

Acting Chief, Forest Service.

[FR Doc. 81-8084 Filed 3-16-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39285]

Acquisition of Control of Continental Air Lines, Inc., by Texas International Airlines, Inc.; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on March 20, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, University North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to

submit one copy to each party and prospective party and six copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. Parties will circulate such material on or before March 18, 1980. This will be the date for actual delivery of the materials and not the mailing date.

Dated at Washington, D.C., March 12, 1981.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 81-8173 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-69; Docket 39412]

Air Berlin Charter Co. d.b.a. Air Berlin USA; Order To Show Cause and Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause and Instituting Investigation; Order 81-3-69, Docket 39412.

SUMMARY: The Board proposes to issue a certificate of public convenience and necessity to Air Berlin Charter Company d/b/a Air Berlin USA for Ft. Lauderdale/Tampa/Orlando-Brussels-West Berlin scheduled service subject to the outcome of the *Air Berlin USA Fitness Investigation.*

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken as described in the order cited above, shall, NO LATER THAN April 3, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 37031, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Lelco, Inc. d/b/a Air Berlin USA, the State of Florida, the Ambassadors in Washington, D.C. of the United Kingdom, France and Belgium and the Departments of State and Transportation.

A statement of objections must cite the Docket number and must include a summary of testimony, statistical data or other such supporting evidence.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Christina R. Pfirrman, 202-673-5203, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 12, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8172 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[EAS-507, 599, 600, 601, 602, 603, 660]

Essential Air Transportation Determination of Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton, Newport News/Hampton/Williamsburg/Yorktown, Virginia; Informal Conference

An appeals panel of the Civil Aeronautics Board will conduct an informal conference with interested parties for the purpose of discussing matters relating to the essential air service determination for Roanoke, Charlottesville, Danville, Hot Springs, Lynchburg, Staunton, Newport News/Hampton/Williamsburg/Yorktown, Virginia contained in Board Order 80-4-177. The panel will consider the views presented at the conference when making its recommendation to the Board on the merits of the appeals.

The conference will be held at the following location and time: Friday, March 27, 1981, at 10:30 a.m., Airport Conference Room, Byrd International Airport, Richmond, Virginia.

Date: March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8178 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363,32606,32607]

Former Large Irregular Air Service Investigation; Applications of Worldwide Airlines, Inc.; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Worldwide Airlines, Inc., Dockets 32606 and 32607, has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., March 10, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-8177 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39251]

New Gateways to Brazil Case; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 22, 1981, at 9:30 A.M. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 9, 1981.

Elias C. Rodrigues,

Administrative Law Judge.

[FR Doc. 81-8174 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-55]

Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-3-55).

SUMMARY: The Board is instituting the *Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding* and is proposing to grant unrestricted authority to Trans World at the points listed in Appendix B to Order 81-3-55 under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 15, 1981, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections to the issuance of a final order should be filed in Docket 39114, which we have entitled the *Trans World Airlines Additional Points Akron/Canton-Youngstown Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition copies of such filings should be served upon all parties listed in Appendix C to Order 81-3-55.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202)673-5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-3-55 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the

metropolitan area may send a postcard request for Order 81-3-55 to that address.

By the Bureau of Domestic Aviation, March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8175 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-3-56]

White Plains Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-3-56).

SUMMARY: The Board is instituting the *White Plains Subpart Q Proceeding* and is proposing to add White Plains to the certificate of ANA, Ltd., d.b.a. Air North (Air North) under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 13, 1981, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39069, which we have entitled the *White Plains Subpart Q Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Air North; New York State Department of Transportation, Airport Development Section; Director, Vermont Air Transit, Rail, Agency of Transportation; Mayors of Burlington, Vermont, and White Plains, New York; Airport Authorities, Burlington International Airport and Westchester County Airport; and County Executive, Westchester County.

FOR FURTHER INFORMATION CONTACT: Lucille J. Mellema, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-3-56 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-3-56 to that address.

By the Bureau of Domestic Aviation: March 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-8176 Filed 3-16-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycle Tires and Tubes From Republic of Korea; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on bicycle tires and tubes from Korea manufactured by Korea Inoue Kasei, Co. Ltd. The review is based upon information for the period January 1, 1979 through December 31, 1979. As a result of this review the Department has preliminarily determined the amount of net subsidy to be 0.83 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 12, 1979 a notice of "Final Countervailing Duty Determination," T.D. 79-13, was published in the **Federal Register** (44 FR 2570). The notice stated that the Department of the Treasury ("Treasury") had determined that exports of bicycle tires and tubes from the Republic of Korea manufactured by Korea Inoue Kasei Co., Ltd. ("Inoue") benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties. As the result of an antidumping investigation liquidation was suspended by Treasury on September 18, 1978 on all shipments entered, or withdrawn from warehouse, for consumption on or after that date.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980 the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding contervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on bicycle tires and tubes from Korea manufactured by Inoue.

Scope of Review

Imports covered by this review are pneumatic bicycle tires and tubes, of rubber or plastic, whether such tires and tubes are sold together as units or separately, manufactured in Korea by Inoue. Bicycle tires and tubes are currently classifiable under item numbers 772.48 and 772.57 respectively, of the Tariff Schedules of the United States.

The review covers the period January 1, 1979 through December 31, 1979 and is limited to the countervailing programs cited in the final determination. Those programs were (1) the Foreign Capital Inducement Law ("FCIL"); (2) the accelerated depreciation provision of Article 51 of the Enforcement Decree to the Corporation Tax Law; and (3) short-term preferential financing. Treasury found that only Inoue received benefits whose aggregate *ad valorem* effect was greater than *de minimis*. Inoue received benefits under only two of the programs, FCIL and short-term preferential financing. The net amount of those benefits was determined to be 0.5 percent. The other Korean manufacturers/exporters investigated received aggregate *ad valorem* benefits of no greater than 0.34 percent which was held by Treasury to be *de minimis*.

Analysis of Programs

The benefit that we have preliminarily determined under the FCIL program is 0.63 percent *ad valorem*. This rate is the sum of two separate tax forgiveness provisions which eliminated Inoue's income tax and property tax liability. The amounts of benefit are 0.6 and 0.03 percent, respectively. We calculated the benefit from the nonpayment of income tax by multiplying Inoue's taxable income by the normal corporate income tax in Korea, which is 40 percent, and

dividing by total sales. Inoue claims that the proper rate of tax is 12 percent. The company claims that, since it is wholly owned by Japanese interests, it is eligible for this rate under a treaty between Japan and Korea designed to eliminate double taxation. To date Inoue has not supplied the Department with documentation that substantiates the claim for that rate or its relationship to the treaty.

The short-term preferential financing program provides short-term loans at preferential rates to manufacturers for the purpose of acquiring imported raw materials used in production for export. We have preliminarily determined that the rate under this program is 0.2 percent *ad valorem.*

We verified the information presented by Inoue through examination of Korean Government laws and documents; company books and records; and consultation with economic officials of the United States embassy in the Republic of Korea.

Preliminary Results of Review

As a result of our calculations, we preliminarily determine that the rate of net subsidy is 0.83 percent *ad valorem* of the f.o.b. invoice price.

The provisions of section 303(a)(5) of the Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Pursuant to this section, T.D. 79–13 declared the net amount of bounty or grant (and thus the countervailing duties to be assessed) to be 0.5 percent *ad valorem.* Accordingly, unliquidated entries of bicycle tires and tubes manufactured by Inoue which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 shall, when liquidated, be assessed countervailing duties in that amount. Such entries shall not be liquidated until the suspension of liquidation ordered on September 18, 1978 in the antidumping investigation of this product is terminated.

The provisions of section 751 of the Act apply to all entries made on or after January 1, 1980. As required by section 751 of the Act and section 355.36(c) of the Commerce Regulations, a cash deposit of estimated countervailing duties in the amount of 0.83 percent *ad valorem* shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review. This requirement shall remain in effect until the publication of the final results of the next administrative review. The amount of countervailing duties to be imposed on entries made during 1980 will be determined in the next administrative review. Consequently, the suspension of liquidation previously ordered will continue for all shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

Pending the publication of the final results of the present review a deposit of estimated countervailing duties of 0.5 percent of the f.o.b. invoice price shall continue to be required on each entry of the merchandise.

Interested parties may submit written comments on these preliminary results on or before April 16, 1981, and may request disclosure and/or a hearing on or before April 1, 1981. Any request for an administrative protective order must be made on or before March 23, 1981. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice publication are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 C.F.R. 355.41).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 12, 1981.

[FR Doc. 81-8180 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Roller Chain, Other Than Bicycle, From Japan; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The scope of the review covers 10 manufacturers and 95 other exporters of this merchandise to the United States. The majority of the analyses covers the period April 1, 1979 through March 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 17, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Matthews, or Alfredo Montemayor, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2291).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 12, 1973, a dumping finding with respect to roller chain, other than bicycle, from Japan was published in the **Federal Register** as Treasury Decision 73–100 (38 FR 9226). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on roller chain, other than bicycle, from Japan. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

The Treasury Department published tentative revocations for Toyota Motor Sales Co., Ltd. on July 17, 1978 (43 FR 30635–36), Enuma Chain Manufacturing Co. on August 17, 1977 (42 FR 41517), Honda Motor Co., Ltd. on August 17, 1977 (42 FR 41517), and Daido Kogyo Co., Ltd. on October 4, 1977 (42 FR 54043). Our current analysis indicates that margins exist for Toyota Motor Sales Co., Ltd., Enuma Chain Manufacturing Co., and Daido Kogyo Co., Ltd. Therefore, revocations for these companies will not be considered by the Department at this time. Our review of Honda Motor Co., Ltd. indicates *de minimis* margins for the period October, 1978 through September, 1979. In a subsequent notice the Department will publish its proposed disposition of the revocation issue as it pertains to Honda Motor Co., Ltd.

Scope of the Review

Imports covered by this review are shipments of roller chain, other than bicycle, currently classifiable under various provisions of the Tariff Schedules of the United States Annotated (TSUSA), ranging from item numbers 652.1300 through 652.3800.

The Department knows of a total of 105 Japanese firms engaged in the manufacture and exportation of roller chain, other than bicycle, to the United States. For the majority of the firms this review covers the period April 1, 1979 through March 31, 1980. For firms with different accounting periods, we reviewed data from their most recent accounting cycle. The applicable periods are indicated for each firm under *Preliminary Results of the Review*.

We have a number of unanalyzed responses covering periods prior to April 1, 1979. These responses will be analyzed, and the results published, in subsequent administrative reviews.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Forty-nine exporters stated that they did not export roller chain, other than bicycle, to the U.S. during the period April 1, 1979 through March 31, 1980. The estimated deposit rate for these firms shall be the most recent information for each firm. Ten exporters refused to respond to our questionnaire. For these non-responsive exporters we proceeded to use the best information available to determine the assessment and estimated deposit rates. The best information available is the highest current rate among all responding firms, which is 43.29 percent.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or section 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based either on the packed price to an unrelated purchaser in the United States, or to an unrelated Japanese trading company for export to the United States, as appropriate. Exporter's sales price was based on the packed price to the first unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, shipping charges, U.S. and foreign inland freight, currency exchange charges, brokerage charges, U.S. duty, loading charges, discounts, credit costs, commissions to unrelated parties, and selling expenses, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, the price to purchasers in third countries when sufficient sales did not exist in the home market, or constructed value when sufficient sales did not exist in the home market or to purchasers in third countries, all as defined in section 773 of the Tariff Act, or section 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, discounts, indirect selling expenses to offset U.S. commissions paid to unrelated parties, and direct selling expenses, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations. Adjustments were also made for differences in credit costs, packing, warranties, technical assistance and levels of trade, in accordance with §§ 353.15 and 353.19 of the Commerce Regulations and §§ 153.10 and 153.15 of the Customs Regulations, where applicable. Claims for ESP offsets and level of trade adjustments were disallowed when they were not properly quantified. No other adjustments were claimed or allowed.

Where sales in the home market or to purchasers in third countries were made over an extended period of time in substantial quantities, and at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded these sales from the analysis. If the remaining sales in the home market or to purchasers in third countries were not sufficient, the Department used constructed value, as defined in section 773 of the Tariff Act or section 206 of the 1921 Act, as appropriate.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value or, as appropriate, our comparison of purchase price or exporter's sales price to foreign market value or constructed value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
A & K Company [1]	4/1/79-3/31/80	1.84
Aja Kikai Booki [1]	4/1/79-3/31/80	1.84
APC Corporation	4/1/79-3/31/80	0
Asia Machinery	4/1/79-3/31/80	2.00
Auto Dynamics [1]	4/1/79-3/31/80	5.36
C. Itoh	5/1/79-3/31/80	0
Central Automotive	4/1/79-3/31/80	2.00
Cherry Industrial [1]	4/1/79-3/31/80	20.00
Daido Enterprising	4/1/79-3/31/80	2.00
Daido Kogyo	4/1/79-9-30-79	1.23
Daiho Sangyo [1]	4/1/79-3/31/80	5.36
Deer Island	4/1/79-3/31/80	43.29
Detroit Industries [1]	4/1/79-3/31/80	5.36
Empire Motor [1]	4/1/79-3/31/80	5.36
Enuma Chain	6/1/79-9/30/79	1.23
Fee International [1]	4/1/79-3/31/80	1.84
Fuji Lumber	4/1/79-3/31/80	0
Fuji Motors (Zenoah) [1]	4/1/79-3/31/80	5.36
Fuji Seiko	4/1/79-3/31/80	43.29
Fukoku [1]	4/1/79-3/31/80	5.36
Hajime [1]	4/1/79-3/31/80	5.36
Harima Enterprise	4/1/79-3/31/80	0
Henry Abe [1]	4/1/79-3/31/80	5.36
Hic Trading Co., Ltd	4/1/79-3/31/80	0
Hiro Enterprise	4/1/79-3/31/80	0
Hitachi Metals/Hitachi International (importer)	4/1/79-3/31/80	1.00
Hitachi Metals/All other importers	4/1/79-3/31/80	1.84
HKS Japan [1]	4/1/79-3/31/80	20.00
Hodaka Kogyosho [1]	4/1/79-3/31/80	5.36
Honda Motor	10/1/78-9/30/79	.129
I & OC	4/1/79-3/31/80	5.36
Iketoku [1]	4/1/79-3/31/80	5.36
Izumi Chain	10/1/79-3/31/80	6.93
Jeico	4/1/79-3/31/80	0
Kaga Kogyo (Kaga Ind.)	4/1/79-3/31/80	0
Kaga/APC	4/1/79-3/31/80	0
Kaga Koken/TK Products	4/1/79-3/31/80	1.00
Karl Mayor Textile [1]	4/1/79-3/31/80	0
Kashima Trading	4/1/79-3/31/80	43.29
Katayama	4/1/79-3/31/80	43.29
Kawasaki	9/1/78-8/31/79	1.00
Kokusai [1]	4/1/79-3/31/80	5.36
Marubeni [1]	4/1/79-3/31/80	0
Maruka Machinery [1]	4/1/79-3/31/80	5.36
MC International [1]	4/1/79-3/31/80	5.36
Meiho Yoko	4/1/79-3/31/80	43.29
Meisei Trading	4/1/79-9/30/79	1.23
Meiwa Trading [1]	4/1/79-3/31/80	3.00
Mitsui [1]	4/1/79-3/31/80	13.40
Mitsubishi [1]	4/1/79-3/31/80	5.36
Mitsubishi Booki [1]	4/1/79-3/31/80	34.80
Mitsubishi Motors	10/1/75-3/31/78	5.36
Miyasaki Shokai [1]	4/1/79-3/31/80	5.36
Narewa Kogyo	4/1/79-3/31/80	43.29
Nankai Buhin [1]	4/1/79-3/31/80	5.36
Nickel & Lyons [1]	4/1/79-3/31/80	5.36
Nippo Buhin [1]	4/1/79-3/31/80	5.36
Nissan Motor	4/1/79-11/30/79	0
Nissei Co. [1]	4/1/79-3/31/80	12.80
Nissho-Iwai	4/1/79-10/31/79	0
Nomura Shoji [1]	4/1/79-3/31/80	5.36
Oriental Chain	7/1/79-12/31/79	0
Osaka Buhin [1]	4/1/79-3/31/80	5.36
Pulton Chain	4/1/79-3/31/80	1.73
Pulton/Hic Trading	4/1/79-3/31/80	0
Pulton/I & OC	4/1/79-3/31/80	0
Refac International [1]	4/1/79-3/31/80	5.36
Rocky Asia	10/1/79-3/31/80	6.93
Royal Industries	4/1/79-3/31/80	2.00
Ryobi Limited	4/1/79-3/31/80	2.00
Saniko Co.	4/1/79-3/31/80	9.37
Schneider Engineering	4/1/79-3/31/80	2.00
Shima Trading	10/1/79-3/31/80	6.99
Shinyei Kaisha [1]	4/1/79-3/31/80	5.36
Shinyo Ind.	4/1/79-3/31/80	43.29
Sugiyama/Fuji Lumber	4/1/79-3/31/80	0
Sugiyama/Harima Entpz	4/1/79-3/31/80	0
Sugiyama/HHK America (importer)	1/1/79-3/31/80	.20
Sugiyama/I&OC	4/1/79-3/31/80	0
Sugiyama/All other importers	4/1/79-3/31/80	0
Sumitomo Shoji Kaisha [1]	4/1/79-3/31/80	5.36
Suzuki Motor	4/1/79-8/31/79	0
Tabaid	4/1/79-3/31/80	43.29
Taikyo Sangyo	4/1/79-3/31/80	0
Taiyo Shokai	4/1/79-3/31/80	43.29
Takara Auto Parts [1]	4/1/79-3/31/80	29.52
Takasago	4/1/79-3/31/80	5.36
Tanaka Kogyo [1]	4/1/79-3/31/80	5.36
Tashiro [1]	4/1/79-3/31/80	5.36
Tatsumiya Kogyo	4/1/79-3/31/80	2.00
Tec Engineering [1]	4/1/79-3/31/80	5.36

Manufacturer/exporter	Time period	Margin (percent)
Teijin Shoji Kaisha Ltd.[1]	4/1/79-3/31/80	5.36
TK Products	4/1/79-3/31/80	1.00
Tokyo Enterprise [1]	4/1/79-3/31/80	5.36
Tokyo Incentive [1]	4/1/79-3/31/80	5.36
Tokyo Ryuki Seizo	4/1/79-3/31/80	0
Tosho [1]	4/1/79-3/31/80	5.36
Toyo Kogyo	4/1/79-3/31/80	0
Toyo Menka Kaisha [1]	4/1/79-3/31/80	5.36
Toyota Motor Sales	4/1/79-3/31/80	43.29
Tsubakimoto Chain	4/1/79-11/30/79	0
Tsujimoto Shokai [1]	4/1/79-3/31/80	5.36
United Trading Co., Ltd. [1]	4/1/79-3/31/80	5.36
Universal Trading [1]	4/1/79-3/31/80	5.36
Y-K Brothers Shokai [1]	4/1/79-3/31/80	5.36
Yamaha Motor	4/1/79-5/31/79	2.00
Yamakyu Chain	4/1/79-3/31/80	9.37
Yoshida Auto	4/1/79-3/31/80	43.29
Yoshimura [1]	4/1/79-3/31/80	5.36
Zuahi Industries [1]	4/1/79-3/31/80	5.36

[1] No shipments during period.

Preliminary results of the administrative review of IBM Japan indicate that merchandise exported by this company is not subject to the finding. This matter will be addressed in a subsequent notice. The response received from Mitsubishi Motors Corporation did not afford the Department adequate time to properly analyze the data. The analysis of that data will be included in the next administrative review.

Interested parties may submit written comments on these preliminary results on or before April 16, 1981, and may request disclosure and/or a hearing on or before April 1, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between United States price and foreign market value or, where appropriate, purchase price or exporter's sales price and foreign market value and constructed value, may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of roller chain, other than bicycle, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the weighted-average margins for Honda and Sugiyama/HHK America are *de minimis*, the Department shall not require cash deposits on their shipments. This requirement, and the waiver for Honda and Sugiyama/HHK America, shall remain in effect until publication of the final results of the next administrative review.

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

March 12, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-8182 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: April 7, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., N.W., Washington, D.C.

AGENDA

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Planning for the 1982 International List Review.

(4) Discussion on use of a standardized Department of Commerce specification sheet.

(5) Incorporation of Advisory Notes into the Commodity Control List.

(6) Discussion of revisions to oscilloscope controls.

(7) Discussion on U.S. unilateral controlled items.

(8) New Business.

Executive Session

(9) Discussion of matters properly classsified under Executive Order 12065, dealing with the U.S. and COCOM control program and stategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Govenment In The Sunshine Act, Pub.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: March 10, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-8104 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency is seeking applications under its program to operate one Regional Construction Services Project for a

twelve month period beginning July 1, 1981. The total cost of the project will not exceed $367,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The Regional Construction Services Program of the Minority Business Development Agency (MBDA) provides management consulting services to minority construction businesses for the purpose of improving the operation of existing businesses or to increase the chances for success of proposed prime and/or subcontracting ventures. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

—location and evaluation of local minority contractors
—direct services to minority construction contractors, i.e., assistance in preparation of cost, schedule and contingency analysis for bid proposals, job planning, management, and information services regarding new construction projects, zoning, land use regulations, etc.
—development of union agreements
—management and technical assistance, i.e., preparation of business plans, financial management, marketing, personnel management
—other construction services, excluding legal services.

Applications are invited for the following project: One grant for a Regional Construction Services Project to operate in Atlanta, Georgia; Memphis, Tennessee; Birmingham, Alabama; Durham, North Carolina; and Tampa and Jacksonville, Florida. Assistance will also be given to the Miami, Florida area on an as-needed basis. The project will operate at a cost not to exceed $367,000, and the Project No. is 04-10-80009-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-Application Conference: A Pre-Application Conference for this project will be held on April 2, 1981 at 1:30 p.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309.

Application Materials: An application kit for this project may be rquested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street, NE, Room 225, Atlanta, Georgia 30309.

In requesting an application kit, the applicant must specify its profit status; i.e., State or Local Government, federally recognized Indian tribal units, educational institutions, hospitals, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 17, 1981. Applications should be submitted with an original and two copies.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance) (This program is not subject to the requirements of OMB Circular A-95)

Dated: March 9, 1981.

Gordon M. Anderson,

Grant Specialist.

[FR Doc. 81-8133 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit

On January 13, 1981, Notice was published in the **Federal Register** (46 FR 3040), that an application had been filed with the National Marine Fisheries Service by Gebruder Knie, Knie's Kinderzoo, 8640 Rapperswil, Switzerland for a permit to take one (1) Atlantic bottlenose dolphin (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 12, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Gebruder Knie subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following officies:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8295 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit

On November 18, 1980, Notice was published in the **Federal Register** (45 FR 76217), that an application had been filed with the National Marine Fisheries Service by Marine World Africa USA, Marine World Parkway, Redwood City, California 94065, for a permit to import two (2) killer whales (*Orcinus orca*) for the purpose of public display.

Notice is hereby given that on March 11, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the importing of one (1) killer whale to Marine World Africa USA subject to certain conditions set forth therein. A decision on whether to issue a permit for the importing of the second killer whale has been deferred until further information can be obtained and evaluated.

The Permit and documentation relating to the Permit are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Soutwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 11, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-8292 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-02-M

North Pacific Fishery Management Council, Scientific and Statistical Committee and Advisory Panel; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of North Pacific Fishery Management Council's (NPFMC) Scientific and Statistical Committee (SSC) and Advisory Panel (AP) meeting amendment.

SUMMARY: The scheduled public meeting on Wednesday, March 25, 1981, of the NPFMC's SSC and AP, published in the **Federal Register**, March 9, 1981 (46 FR

15762–15763), has been amended as follows:

From: SSC and AP—convening on Wednesday, March 25, 1981.

To: SSC and AP—convening on Tuesday, March 24, 1981.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8203 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to review the Snapper-Grouper Complex and Calico Scallop Fishery Management Plan (FMP); discuss the Swordfish FMP; review the Secretary's comments on the Coastal Migratory Pelagics FMP; discuss the relationship of the Council's Scientific and Statistical Committee to the Council, as well as other appropriate and necessary fishery management business.

DATES: These public meetings will convene on Tuesday, April 7, 1981, at approximately 1:30 p.m., and will adjourn on Wednesday, April 8, 1981, at approximately 4 p.m.

ADDRESS: The meetings will take place at the Council's Headquarters Office, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: March 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-8204 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-22-M

Change of Dates for Review of Feasibility of Government Versus Contract Operation of Central Distribution of Publications, Rockville, Md.

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of Change of Dates for Review Under Office of Management and Budget Circular A–76.

SUMMARY: NOAA is hereby notifying intrested parties of its intent to change the review period for the feasibility study of central distribution of publications from 10/01/80–10/01/81 to 03/01/81–03/01/82. Reference Notice of intent published August 7, 1980, in Federal Register Volume 45, Number 154, page 52438.

SUPPLEMENTARY INFORMATION: A contract may or may not result from this review/study. Results of the study will be made available to interested parties.

FOR FURTHER INFORMATION CONTACT: Samuel A. Lawrence, Assistant Administrator for Management and Budget, 6010 Executive Blvd., Rockville, Md., 20852, (301) 443–8134.

Dated: March 9, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-8055 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-12-M

Office of the Secretary

Request From the Department of Housing and Urban Development for a National Voluntary Laboratory Accreditation Program for Solid Fuel Room Heaters

In accordance with the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP); (15 CFR 7b.4c), the Department of Commerce (DOC) publishes as part of this notice a request from the Department of Housing and Urban Development (HUD) dated December 4, 1980 to develop a program to accredit laboratories which test solid fuel room heaters in accordance with Underwriters Laboratories (UL) standards UL 737 and UL 1482.

After receiving the request, DOC asked HUD to provide additional information as required by the NVLAP Part b procedures. That information has now been received and it is now appropriate to announce the HUD request.

The request is to develop a NVLAP program for solid fuel burning devices using the following two UL standards as a basis for the program:

UL 737 on Fireplace Stoves
UL 1482 on Room Heaters, Solid Fuel Type with Coal Amendments

The specific test methods contained in the standards to be included in the program are for the following elements:

Fire temperature
Toxic gas
Brand fire
Strength
Glazing
Water shock
Dielectric withstand
Motor protection
Grounding continuity
Voltage
Overcurrent
Smoke spillage
Radiant fire
Flash fire
Stability
Impact
Leakage current
Cord strain relief
Locked motor temperature
Temperature electrical
Spacings
Enclosure

This program is needed because of the rapid increase in the use of solid fuel devices during the past few years, the proliferation of types of devices available, and the hazard associated with stoves improperly designed and constructed. The 1981 Minimum Property Standards (MPS) authorized under 24 CFR 200.927 Subpart S, permits the use of self-contained warm air heating units in housing build under HUD mortgage insurance and low-rent public housing programs. HUD Notice H 80–17 clarifies this section by requiring that HUD identify testing agencies capable of performing tests in accordance with the referenced UL standards. HUD has elected to request a NVLAP program to fulfull this requirement.

Any comments as to the need for this program should be made within 60 days directly to HUD, Mr. Leslie Breden, Department of Housing and Urban Development, Washington, D.C. 20410 (202–755–5929). A copy of such comments should be sent to Mr. John W. Locke, Coordinator, NVLAP, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2054). Additional inquiries related to NVLAP can also be directed to Mr. Locke.

Dated: March 11, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Innovation and Technology.

December 4, 1980.

Mr. Jordan J. Baruch, Assistant Secretary ofr Science and Technology, Department of Commerce, Washington, D.C. 20230.

Dear Mr. Baruch: The Department of Housing and Urban Develipment requests, in accordance with Section 7(b)(4) of Title 15 of the Code of Federal Regulation, that the Department of Commerce (DOC) and Department of Housing and Urban Development (HUD) work together to establish a laboratory accreditation program for solid fuel room heaters in accordance with Underwriters Standards UL 737 Fireplace Stoves and UL 1482 Room Heaters, Solid Fuel Type With coal Amendments.

We recommend that general and specific criteria, as published in the **Federal Register** announcement of January 23, 1980 (45 Fr 5572–5600), to be used in accrediting testing laboratories for solid fuel room heaters and fireplace stoves. We reserve the right to review and determine the acceptability of the finalized criteira prior to publication in the **Federal Register.**

If there are any further questions, please feel free to call Mr. Leslie Breden of my staff at 755–5929.

Sincerely,

Lawrence B. Simons,

Assistant Secretary.

[FR Doc. 81–8068 Filed 3–16–81; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Privacy Act of 1974; Amendment of a Notice for a System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Amendment of a notice for a system of records.

SUMMARY: The Office of the Secretary of Defense (OSD) is amending the systems notice for record system DMRA&L 09.0, entitled: Defense Race Relations Institute (DRRI) Student File. This action is being taken because of an organizational name change. The system notice as amended is set forth in its entirety below..

DATE: This change shall be effective April 16, 1981.

ADDRESSES: Send any comments to the Systems Manager identified in the systems notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notice for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93–579 were published in the **Federal Register** at FR Doc. 81–897 (46 FR 6427) January 21, 1981.

M. S. Healy,

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

March 11, 1981.

Amendments

DMRA&L 09.0

System name:

Defense Race Relations Institute (DDRI) Student File (46 FR 6427, January 21, 1981).

Changes:

System name:

Delete the above system name, and insert: "Defense Equal Opportunity Management Institute".

System location:

In the last line, delete "Race Relations", and insert: "Equal Opportunity Management".

Categories of individuals covered by the system:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

In the first paragraph, delete "Race Relations", and insert: "Equal Opportunity Management".

Internal users, uses, and purposes:

Delete "Race Relations" and insert: "Equal Opportunity Management".

System manager(s) and address:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Notification procedure:

Delete "Race Relations", and insert: "Equal Opportunity Management".

Record access procedures:

Delete "Race Relations", and insert: "Equal Opportunity Management".

DMRA&L 09.0

SYSTEM NAME:

Defense Equal Opportunity Management Institute.

SYSTEM LOCATION:

Primary Location—Bldg. 559(MU811) Patrick AFB, Fla. 32925.

Hard copy backup file for students in active status, and for former students, the location is Deputy Director for Special Programs, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current or former students at the Defense Equal Opportunity Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Life history summary, name, race, age, military organization, test and examination scores and forms, peer group and instructor ratings, advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 136.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of the file is to evaluate the progress of students enrolled at the Defense Equal Opportunity Management Institute and to create a permanent record of academic accomplishment.

Internal users, uses, and purposes:

The Defense Equal Opportunity Management Institute—Used by advisors in counseling students, to verify attendance and grades to colleges and universities; to select instructors; to make decisions to release students from the program.

Used by students to evaluate their programs.

Any individual records in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

External users, uses, and purposes:

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Primary file is magnetic computer tape. Backup files are paper records in file folders.

RETRIEVABILITY:

Filed are sequenced alphabetically by last name by class.

SAFEGUARDS:

Primary location is a controlled access area. Backup files—storage is in

locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925, Telephone: 305–494–6976.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the Director, Defense Equal Opportunity Management Institute, Patrick AFB, Fla. 32925.

Written requests for information should contain the full name, current address and telephone number, and class of the individual.

For personal visits, the individual should be able to provide some acceptable identification, such as military ID cards or driver's license.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, student peers, instructors, counselors, and examinations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-8127 Filed 3-16-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 51998-2322-07-22]

Nevada Power Co.; Powerplant and Industrial Fuel Use, Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Decision and Order Granting Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 27, 1980, Nevada Power Company (Nevada Power) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a new powerplant from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibits the use of petroleum or natural gas as a primary energy source by new powerplants and the construction of new powerplants without the capability to use an alternate fuel as a primary energy source. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Parts 501 and 503 (45 FR 38276, June 6, 1980).

Nevada Power requested a permanent peakload powerplant exemption in order to use oil/natural gas as a primary energy source in an 86,566 KW oil/natural gas-fired combustion turbine to be known as Clark Unit No. 7 (Clark 7) at its Clark Station site in Clark County, Nevada.

Pursuant to section 214(a) of the Act, and subject to specified terms and conditions, ERA hereby issues this order granting a permanent peakload powerplant exemption to Nevada Power.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, 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, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653–4208

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave. SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: On March 27, 1980, Nevada Power filed a petition with ERA for a permanent peakload powerplant exemption in order to use oil/natural gas as a primary energy source in an 86,566 KW oil/natural gas-fired combustion turbine powerplant, Clark 7, at its Clark Station site in Clark County, Nevada. Additional information was required by ERA which was subsequently submitted by Nevada Power on May 12, 1980 and August 4, 1980. ERA accepted the petition on October 14, 1980, and published notice of acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on October 21, 1980 (45 FR 65944). Publication of the Notice of Acceptance commenced a 45-day public comment period, ending on December 5, 1980, pursuant to section 701 of FUA. During this period, interested parties were also afforded an opportunity to request a public hearing. No comments were submitted. No hearing was requested.

Nevada Power submitted a sworn statement with the petition signed by Mr. J. H. Zornes, Vice President, Generation, of Nevada Power as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that Clark 7 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.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting Nevada Power a permanent peakload powerplant exemption to use oil/natural gas in Clark 7 subject to certain terms and conditions. A Notice of Availability of the TSA was published in the **Federal Register** on January 23, 1981 (46 FR 7430). The publication of this notice opened a 14-day public comment period which ended February 6, 1981. Comments were received from the Environmental Protection Agency (EPA), Region IX, stating that Nevada Power had demonstrated to EPA that the proposed powerplant meets all applicable requirements of the Clean Air Act, as amended, (42 U.S.C. 7401 *et seq.*). No hearing was requested.

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 the 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. DOE has determined that Nevada Power's responses 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.

Order

ERA hereby grants to Nevada Power a permanent exemption from the prohibitions of FUA with respect to the use of oil/natural gas in Clark 7 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand, subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. Nevada Power shall not produce more than 129,849,000 KWH during any 12-month period with the proposed unit. Nevada Power shall provide annual estimates of the expected periods (hours during specific months) of operation of Clark 7 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 during which Nevada Power expects to operate Clark 7 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 this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall not take effect earlier than the 60th calendar day after is is published in the **Federal Register.**

Issued in Washington, D.C. on March 11, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-8198 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

Mapco Inc.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action concerning a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Mapco Inc. ("Mapco") and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

The Office of Enforcement received a comment from only one firm with respect to the price rollback provisions of the Consent Order. That comment suggested that the permissible range of price reductions of from one to eight cents per gallon of propane under the Consent Order may be disruptive to the propane market. The comment further suggested that the amount of price rollback be limited to two cents per gallon, over a period of an estimated six years.

Pursuant to 10 CFR 205.199I, the Office of Enforcement has broad discretion in fashioning appropriate remedies. While it is mindful of the public interest in minimizing distortion of the market place, the Office of Enforcement also recognizes the public interest in effecting restitution promptly. The Office of Enforcement believes that the Consent Order provides Mapco sufficient flexibility to adjust its amount of price rollback to minimize distortion of the market, and that it is in Mapco's financial interest to do so.

Moreover, since the execution of the Consent Order, sales of propane have been exempted from the operation of price controls and the mandatory allocation program. With the elimination of such constraining devices as the limited "equal application rule," Mapco's competitors will have full flexibility in responding to Mapco's price reductions, as they would ordinarily respond in free market conditions.

Therefore, the Office of Enforcement does not agree that the amount of price reduction will significantly distort the market, or that extension of the price rollback period would be appropriate in the face of the industry's recent return to free market conditions.

The Office of Enforcement also received one comment with respect to its distribution of the cash payments which Mapco will make pursuant to the Consent Order. According to that comment, the only proper distribution would be to pay the money to the customers allegedly overcharged by Mapco.

The Consent Order does not preclude such a distribution, and the comment is therefore directed to the manner in which the money is ultimately disbursed rather than to the terms of the Consent Order itself. Thus the comment does not suggest that the terms of the Consent Order are inappropriate.

II. Determination

After due consideration of the comment received, the Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Mapco Inc. is an appropriate resolution of the compliance proceedings described in the Notice published on December 30, 1980, and hereby gives Notice that the Consent Order is made effective by written notice issued to Mapco Inc. on February 5, 1981.

Issued in Washington, DC, on this 11th day of March, 1981.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

Concurrence:

Denise Bonn,

Office of General Counsel.

[FR Doc. 81-8134 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 81-17-NG, 81-18-NG, 81-19-NG, 81-20-NG, 81-21-NG]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc., et al.; Applications To Amend Natural Gas Import Authorizations To Permit Purchase Price Increase

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Applications to Amend Natural Gas Import Authorizations to Permit Purchase Price Increase.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of applications by Tennessee Gas Pipeline Company (Tennessee), Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Northern Natural Gas Company (Northern), Vermont Gas Systems, Inc. (Vermont Gas), and the Montana Power Company (Montana Power) to amend their current natural gas import authorizations in order to permit the purchase of natural gas imported from Canada into the United States at a price of U.S. $4.94 per MMBtu effective April 1, 1981. Currently, these companies are authorized to purchase natural gas from Canada at a price of U.S. $4.47 per MMBtu.

The applications are filed with ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG-55, Washington, D.C. 20461 (202) 653-3286

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., S.W., Forrestal Bldg., Room 5E-074, Washington, D.C. 20585 (202) 252-2900

SUPPLEMENTARY INFORMATION: By DOE/ERA Opinion and Order No. 17, issued on July 7, 1981, in ERA Docket No. 79-08-NG, Tennessee was conditionally authorized jointly with Transcontinental Gas Pipe Line Corporation (Transco) to import up to 75,000 Mcf of natural gas per day and up to 22 Bcf of natural gas per year from Sulpetro Limited through March 31, 1982. This imported volume is divided equally between Tennessee and Transco.

Michigan Wisconsin is currently authorized to import 50,000 Mcf of natural gas per day from TransCanada Pipe Lines Limited (TransCanada). In addition, Michigan Wisconsin purchases 271,000 Mcf per day of Canadian natural gas from Midwestern Gas Transmission Company and 13,000 Mcf per day from Great Lakes Gas Transmission Company.

By DOE/ERA Opinion and Order No. 19, issued on August 29, 1980, in ERA Docket No. 79-24-NG, Northern was authorized to purchase up to 200,000 Mcf of natural gas per day and up to 73 Bcf of natural gas per year from Consolidated Natural Gas Limited. By contract amendment dated October 29, 1980, however, the maximum volume of 200,000 Mcf of natural gas per day was reduced to 60,000 Mcf per day during the first contract year, which began on November 1, 1980.

Vermont Gas is currently authorized to import 20,700 Mcf of natural gas per day from TransCanada. This is the only source of natural gas supply for Vermont gas. All of this natural gas imported by Vermont Gas is consumed within the State of Vermont.

Montana Power is currently authorized to import natural gas from Canada by an order of the Federal Power Commisssion (FPC), issued on March 21, 1975, in Docket No. CP74-187, as amended by ERA in ERA Docket No. 79-27-NG on November 2, 1979. Montana Power Provides natural gas service within the State of Montana.

In DOE/ERA Opinion and Order No. 14B, issued on May 15, 1980, in ERA Docket Nos. 80-01-NG, *et al.*, Inter-City Minnesota Pipelines Ltd., Inc., *et al.*, and in subsequent orders in other dockets, ERA authorized the import of natural gas from Canada at a border price of U.S. $4.47 per MMBtu. On January 15, 1981, the Government of Canada announced a new border price of U.S. $4.94 per MMBtu for natural gas exported to the United States, effective April 1, 1981.

On February 26, 1981, Tennessee filed an application for authorization to pay the new border price for Canadian natural gas. Tennessee states that the need for this gas supply, as determined by ERA in DOE/ERA Opinion and Order No. 17 continues to exist. Accordingly, Tennessee submits that importation at the new price of U.S. $4.94 per MMBtu is not inconsistent with the public interest and should, therefore, be approved.

Michigan Wisconsin also filed an application on February 26, 1981, to amend its authorization to allow the importation of Canadian gas at the new price. The application states that this imported supply of natural gas is an important source for Michigan Wisconsin and, on an annual basis, represents 15 percent of Michigan Wisconsin's total supply. Michigan Wisconsin states that unless its application is granted, it will be faced with termination of that supply.

On Febraury 27, 1981, Northern filed its application for authorization to pay the new price for its Canadian supply of gas. In DOE/ERA Opinion and Order No. 19, ERA found that this supplemental supply was needed in order to avoid winter shortages on the system. Northern claims such need still exists and, therefore, approval of its application is not inconsistent with the public interest.

On March 5, 1981, Vermont Gas filed its application for authorization to pay the new price for its Canadian supply of gas. Vermont Gas has no domestic source of natural gas and, therefore, is totally dependent on this imported supply. Vermont Gas claims that alternate fuels and other forms of energy are currently more expensive than natural gas imported from Canada and, therefore, granting this application would be in the public interest.

On March 10, 1981, Montana Power filed its application for authorization to pay the new price for its Canadian supply of gas. Montana Power imports about 65 percent of the total natural gas supply required by its customers. Montana Power states that its ability to avoid curtailment of service depends on the continued importation of natural gas and, therefore, authorization should be granted.

ERA anticipates that it will consolidate for decision all applications to amend the price paid for currently authorized imports of Canadian gas. However, persons with a specific interest in the proceedings noticed herein should intervene in these dockets without prejudice to filing comments in other related dockets. In order to provide sufficient time for ERA to consider these applications prior to the effective date of the price increase, we are limiting the intervention period to seven days.

Other Information

The ERA invites protests or petitions for intervention in the applications noticed herein, or in anticipation of a consolidated proceeding to consider all Canadian price increase requests by companies currently authorized to import natural gas from Canada.

Such protests or petitons are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of

the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 24, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the application notice herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on March 11, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-8135 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3405-001]

Blachy-Lane Cooperative Electric Association; Application for Preliminary Permit

March 12, 1981.

Take notice that Blachy-Lane Cooperative Electric Association (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3405 to be known as Lake Creek Power Project located on Lake Creek in Lane 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. Dale C. Swancutt, Blachy-Lane Cooperative Electric Association, 90680 Highway 99, Eugene, Oregon 97402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 10-foot high, 150-foot long concrete gravity overflow dam; (2) a reservoir with a surface area of less than an acre; (3) a 5,000-foot long, 6-foot diameter penstock; (4) a power plant containing a 5,000 kW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 17 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would: make subsurface investigations, hydrologic studies, and a topographic survey; assess environmental impacts; consult with necessary agencies; and examine legal and financial factors. The cost of these studies is estimated by the Applicant to be $90,000.

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 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 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 13, 1981.

Filing and Service of Responsive documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applidcation for preliminary permit for Project No. 3405. 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. 81-8152 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4105-000]

City of Farmington; Application for Preliminary Permit

March 12, 1981.

Take notice that the City of Farmington (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4105 to be known as Cochiti Dam Project located on the Rio Grande River in Sandoval County New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Robert S. Culpepper, City of Farmington, Post Office Box 900, Farmington, New Mexico 87401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cochiti Dam and Reservoir and would consist of: (1) a new trashrack; (2) a new shutoff valve; (3) two new steel penstocks; (4) a powerhouse, with a generating capacity of 13,700 kW, located adjacent to the existing stilling basin; (5) new transmission lines; (6) a new switchyard; and (7) other appurtenant works. Applicant estimates the annual energy output would be 60,200,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant to meet its present and future electric power needs.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would 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 would be $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the rights of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Cochiti Project No. 3440, filed on September 5, 1980, by Western States Energy, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4105. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8153 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4010-000]

Hydro Development Investigation Guidance Committee; Application for Preliminary Permit

March 12, 1981.

Take notice that the Hydro Development Investigation Guidance Committee (Applicant) filed on January 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4010 to be known as the Foster Joseph Sayers Dam, located on Bald Eagle Creek in Centre County, Pennsylvania. The Applicant is a consortium of municipalities, consisting of the Bourough of Beech Creek, the township of Beech Creek, the Township of Howard, the Township of Liberty, and the Township of Curtin, all located in Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr Dean R. Wagner, Chairman, Hydro Development Investigation Guidance Committee, Post Office Box 315, Beech Creek, Pennsylvania 16822. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 700-foot long penstock located along the right abutment of the dam; (2) a powerhouse to be located at the right abutment of the dam; and (3) appurtenant works.

The Applicant estimates that the installed generating capacity at the project would be 2,471 kW, with an average annual energy output of 10,823,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of three years, during which time it would study the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $62,000

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 relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Hydro Corporation of Pennsylvania's application for Project No. 3332, filed on August 19, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Any one 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 27, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4010. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. a copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8134 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-314-000]

Indiana & Michigan Electric Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 5, 1981 tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M) Amendment No. 21 dated March 1, 1981, to the Operating Agreement dated March 1, 1966 among Consumers Power Company, The Detroit Edison Company and I&M designated I&M's Rate Schedule FPC No. 68.

The amendment includes a new Service Schedule G which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule G provides for a transmission service charge of 1.7 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, and 6 mills per kilowatt-hour for generation and incremental energy costs, plus 2 mills.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Consumers Power Company, The Detroit Edison Company, the Public Service Commision of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8158 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-30-000]

Iowa-Illinois Gas and Electric Co.; Application

March 11, 1981.

Take notice that on March 2, 1981, Iowa-Illinois Gas and Electric Company (Applicant) of Davenport, Iowa, filed an application seeking authority, pursuant to Section 204 of the Federal Power Act, to issue not more than $60,000,000 of unsecured notes and commercial paper from time to time with a final maturity date of not later than June 30, 1983.

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, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8156 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-309-000]

Kansas Gas and Electric Co.; Notice of Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company on March 2, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 139. The proposed Amendment changes the minimum and maximum amounts of power.

The Amendment is necessary because the present demands are being exceeded.

Copies of this filing were served upon the Caney Valley Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20526 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8157 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-202-000]

Kansas-Nebraska Natural Gas Company, Inc.; Application

March 12, 1981.

Take notice that on February 23, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), P.O. 608, Hastings, Nebraska 68901, filed in Docket No. CP81-202-000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(e) and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(c) and (e)) 1) for permission and approval to abandon, during the period March 1, 1981, through December 1, 1981, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, and 2) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the period March 1, 1981, through December 1, 1981, and operation of various field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of the budget-application pursuant to § 157.7(e) of the Commission's Regulations is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

The stated purpose of the budget-application pursuant to § 157.7(g) of the Commission's Regulations is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed facilities would not exceed $2,000,000 with no single project to exceed a cost of $500,000. Such costs, it is asserted, would be financed from working capital or from interim bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8141 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-9-000]

MIGC, Inc. (Formerly) McCulloch Interstate Gas Corp.; Filing of Amended Tariff Sheets

March 11, 1981.

Take notice that on November 20, 1980, MIGC, Inc. (MIGC) filed amended tariff sheets, Substitute Twenty-first Revised Sheet No. 32 and Substitute Third Revised Sheet No. 38 to its FERC Gas Tariff, Original Volume No. 1, relating to jurisdictional sales and service to Colorado Interstate Gas Company (CIG). The instant filing, made pursuant to § 154.38[d][4][vi][a] of the Commission's Regulations, restates MIGC's existing rates for the certificated CIG services, thereby eliminating the increase proposed in the superseded October 31, 1980 filing of Twenty-first Revised Sheet No. 32 and Third Revised Sheet No. 38. The amended tariff sheets reflect rates of 219.37 cents per MMBtu and 7.91 cents per Mcf respectively.

MIGC states that the amended tariff sheets comply with Staff's recommendations that the rate increase proposed in the October 31 lining be eliminated and the currently effective rates be restated.

The instant filing was accepted by letter order of the Commission dated November 28, 1980, to be effective December 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1981. Protests will not be considered to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8158 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-315-000]

Minnesota Power & Light Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that on March 5, 1981, Minnesota Power & Light Company (Minnesota) tendered for filing an Agreement between Minnesota and Lake Superior District Power Company (Lake Superior). Minnesota states the Agreement is for the sale of firm capacity from Minnesota's coal operated steam electric generating station known as Clay Boswell Unit No. 4, located near Grand Rapids, Minnesota to Lake Superior over a period of five years.

Minnesota requests an effective date of May 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8156 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-144]

Mountain Fuel Resources, Inc. and Mountain Fuel Supply Co.; Amendment

March 12, 1981.

Take notice that on February 24, 1981, Mountain Fuel Resources, Inc. (Resources), 180 East First South Street, Salt Lake City, Utah 84139 and Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139 filed in Docket No. CP80-144 a joint amendment to the amendment to Resources application pending in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect amendments made to a gas transportation and exchange agreement between Applicants and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the joint amendment to Resource's application filed November 12, 1980, Applicants requested authorization to receive, transport and redeliver natural gas for Northern and Northwest Pipeline Corporation (Northwest) through Applicants' existing pipeline facilities. It is stated that pursuant to a July 2, 1980, gas transportation and exchange agreement between Applicants and Northern, Resources would receive for the account of Northern up to a maximum of 10,000 Mcf of natural gas per day in Mesa County, Colorado, or in Rio Blanco County, Colorado, and transport and deliver such gas to Mountain Fuel at an existing point of interconnection between the facilities of Resources and Mountain Fuel located in Uintah County, Utah. It is stated that Mountain Fuel agreed to receive such volumes of gas from Resources and to deliver thermally equivalent volumes for the account of Northern at an existing point of delivery with Colorado Interstate Gas Company (CIG) located in Sweetwater County, Wyoming (Kanda).

Applicants state that in entering the above agreement the parties inadvertently overlooked the fact that compression would be necessary for Mountain Fuel to make the redeliveries to CIG for the account of Northern at the Kanda exchange point. Applicants herein propose to amend their gas exchange and transportation agreement to stipulate that when such compression is necessary, Northern would pay to Mountain Fuel a compression charge initially set at 5.0 cents per Mcf with Northern furnishing its proportionate share of compressor fuel.

Moreover, Applicants also state that the natural gas to be transported by Mountain Fuel for the accounts of Northwest and Northern on its existing southern pipeline system identified as the Uintah Basin Pipeline would be consumed entirely by Mountain Fuel's intrastate customers. Since none of the gas delivered to Mountain Fuel would leave the state of Utah, Mountain Fuel requests the continued exemption from the Natural Gas Act of its Uintah Basin Pipeline which was declared exempt from the provisions of the Natural Gas Act by order issued August 6, 1964, in Docket No. CP64-221 (32 FPC 534).

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8143 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-36-000]

Mountain Fuel Supply Co.; Tariff Sheet Filing; Effective April 1, 1981

March 11, 1981.

Take notice that on March 2, 1981, Mountain Fuel Supply Company, pursuant to Section 154.62 of the Regulations of the Federal Energy Regulatory Commission (Commission), filed Twelfth Revised Sheet No. 3-A to its FERC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by Commission order issued February 27, 1976, in Docket No. RP76-64. More specifically, the tariff sheet reflects a net increase from that currently being collected of $.06435/Mcf (Rate Schedule X-4), $.08434/Mcf (Rate Schedule X-5), and $1.44433/Mcf (Rate Schedule X-20), all to be effective

April 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before March 20, 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 but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8160 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-211-000]

Mountain Fuel Supply Co.; Application

March 12, 1981.

Take notice that on February 24, 1981, Mountain Fuel Supply Company (Applicant), P.O. Box 11368, Salt Lake City, Utah 84111, filed in Docket No. CP81-211-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant herein proposes to transport for Northwest volumes of natural gas not to exceed 2,000 Mcf per day. Applicant states that Northwest owns or controls certain natural gas reserves in areas of Sweetwater County, Wyoming (Christmann area), and that such supply of gas is remote from Northwest's existing pipeline system. However, it is stated that Applicant operates jurisdictional transmission facilities in the Christmann area of Sweetwater County, Wyoming, and has a continuing need for additional gas supplies in order to serve better the requirements of its distribution customers. Therefore, it is stated, that Applicant and Northwest have entered into a gas purchase, transportation and exchange agreement dated May 27, 1980, which provides for the transportation and exchange of natural gas from the Christmann area of Sweetwater County, Wyoming, to an existing exchange point between Applicant and Northwest. Applicant also states that the agreement provides for the optional purchase by Applicant of up to 25 percent of the volumes delivered to Applicant by Northwest.

It is stated that under the terms of the Agreement, Northwest would deliver to Applicant for transportation all volumes of natural gas obtained by Northwest in specified areas of Sweetwater County and that the 2,000 Mcf maximum daily volume would be delivered by Northwest to Applicant at a mutually agreed upon point on Applicant's gathering facilities located in Sweetwater County and/or at such other point as may be mutually agreed upon. Applicant asserts that it would redeliver 75 percent of the volumes to Northwest near the town of Granger, Wyoming. It is stated that the redeliveries to Northwest would be accomplished by Northwest decreasing the volume which Applicant is entitled to receive under existing purchase arrangements from Northwest at said point and that balancing would be on a thermal basis which would be done as nearly as possible each month.

Applicant states that the agreement is for a term of fifteen years from the first of the month following the month in which initial delivery occurs and from year to year thereafter.

It is stated that as partial consideration for providing the transportation service for Northwest, Applicant has the option to purchase up to 25 percent of the volumes of gas delivered by Northwest to Applicant and that Applicant's purchase, if elected, would be on the same terms and conditions as the Northwest purchase in all respects. In addition, Applicant states that it would pay Northwest for each Mcf of gas purchased by Applicant hereunder Northwest's gathering transportation rate for the Green River Gathering Area as set forth in Sheet No. 2 of Northwest's FERC Gas Tariff, Original Volume No. 2 which rate is currently 24.93 cents per Mcf.

Applicant proposes to charge Northwest a cost of service based transportation rate of 17.44 cents per Mcf for gas delivered to the Granger exchange point. It is asserted that the agreement between Northwest and Applicant recognizes that the transportation charge may need to be changed periodically to reflect changes in cost.

Applicant is not proposing any new facilities and all natural gas received by Applicant from Northwest for transportation and exchange would be ultimately dispersed in Applicant's existing interstate transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 unnecesary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8142 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-311-000]

Northern States Power Co. (Wisconsin); Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company (Wisconsin) on March 2, 1981, tendered for filing proposed changes in its FPC Electric Service Tariff, FPC Rate Schedule. The proposed rate schdedule filing is a result of a negotiated agreement with the City of Barron, Wisconsin.

Copies of this filing were served upon the City of Barron.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 31, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8161 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-196-000]

Northwest Pipeline Corp.; Application

March 12, 1981.

Take notice that on February 17, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket No. CP81-196-000 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 facilities for a new delivery point for Mr. William Sloviaczek, a right-of-way grantor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a tap on its 22-inch mainline in Canyon County, Idaho, to facilitate the sale by Intermountain Gas Company (Intermountain) of approximately 190 Mcf of natural gas annually to Mr. William Sloviaczek, a right-of-way grantor.

Applicant indicates that the total cost of the proposed facilities, an estimated $14,000, would be financed from funds on hand.

Applicant further submits that Intermountain would install any additional facilities required to effectuate gas deliveries to Mr. Sloviaczek.

Applicant states that the gas sold and delivered by Intermountain would be from quantities of natural gas heretofore authorized for sale to Intermountain.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 81-8144 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-313-000]

Otter Tail Power Co.; Filing

March 11, 1981.

The filing Company submits the following:

Take notice that on March 2, 1981, Otter Tail Power Company (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1981, is requested for the increase estimated at approximately $3,137 per year, in rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 154. An effective date of March 20, 1981, is requested for the increase estimated at approximately $4,241, in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 171.

Otter Tail requests waiver of the Commission's notice requirements to allow these two Schedules to become effective on April 1, 1981, and March 20, 1981, respectively.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8165 filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4202-000]

Pumpkin Hill Power Co.; Application for Preliminary Permit

March 12, 1981.

Take notice that Pumpkin Hill Power Company (Applicant) filed on February 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)825(r)] for proposed Project No. 4202 to be known as the Lowell Tannery Project located at the Passadumkeag River in the Town of Lowell, Penobscot County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert Kelly, Pumpkin Hill Farm, RFD—Box 147, Enfield, Maine 04433. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 20-foot high, 150-foot long concrete gravity dam which includes a 60-foot long spillway section and two gate sections; (2) a pond containing negligible

storage capacity; (3) a new powerhouse located on an existing foundation at the dam containing a turbine-generator with a total rated capacity of 803 kW; and (4) appurtenant facilities. The project is owned by the Lincoln Pulp and Paper Company. The Applicant estimates that the average annual energy output would be 4,468,000 kWh.

Purpose of Project—Energy produced at Project No. 4202 would be sold to Bangor Hydro-Electric Company for distribution to its customers.

Proposed Scope and Studies Under Permit—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, state and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 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—Anyon desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before May 13, 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. 4202. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 81-8162 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-16-000]

Southern Union Gathering Co.; Application for Adjustment and Request for Interim Relief

March 11, 1981.

On February 17, 1981, Southern Union Gathering Company (Southern Union), 1800 First International Building, Dallas, Texas 75270, filed an application for an adjustment pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3412(c) (Supp. II, 1978)), § 270.202 of the Commission's regulations, and § 1.41 of the Commission's Rules of Practice and Procedure.

Specifically, Southern Union requests an adjustment of the 19.2740 cents per Mcf gathering allowance at 14.73 psia granted by the Director of the Office of Pipeline and Producer Regulation in its Order of January 28, 1980, Docket No. SA79-24, so as to permit Southern Union to collect a gathering allowance of 23.70 cents per Mcf at 14.73 psia for its sales to El Paso Natural Gas Company and Gas Company of New Mexico. In addition, Southern Union seeks interim relief pursuant to § 1.41(m) of the Commission's regulations, requesting that the proposed rate be made effective, subject to refund, as of February 17, 1981.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before April 1, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8163 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3867-000]

Stanfield Irrigation District and Westland Irrigation District; Application for Preliminary Permit

March 12, 1981.

Take notice that Stanfield Irrigation District and Westland Irrigation District (Applicant) filed on December 11, 1980, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3867 to be known as McKay Dam located on McKay Creek in Umatilla County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert E. O'Rourke, P.O. Box 490, Pendleton, Oregon 97801 or William Porfily, P.O. Box 406, Stanfield, Oregon 97875. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock

built through the Water and Power Resource Service's McKay Dam; (2) a powerhouse with a 1,100-kW generating unit; and (3) a transmission line.

The Applicant estimates that the average annual energy output would be 4,560,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company or the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would make topographic surveys; study the hydrology and geology; analyze the existing structures; assess the environmental impacts; conduct a cultural resource survey; and prepare a feasibility report. The cost of these studies is estimated by the Applicant to be $55,500.

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 to substantive issues relevant.) Comments should be confined to substantive issues relevant to the issusance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3427, on December 11, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 7, 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. 3867. Any comments protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 81-8164 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-208-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

March 12, 1981.

Take notice that on February 24, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-208-000 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 approximately 5.6 miles of 16-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 5.6 miles of 16-inch pipeline and appurtenant facilities which would extend from Applicant's production platform in East Cameron Block 47 to its central gathering platform in East Cameron Block 49, offshore Louisiana. Applicant states that such facilities would facilitate the receipt of natural gas reserves dedicated to it in East Cameron Block 47 pursuant to contracts with Conoco, Inc., Arco Oil and Gas Company, Getty Oil Company and Cities Service Company. It is submitted that such reserves exist between the depths of 11,583 feet and 11,597 feet which is below the base of the "OG" Sand and down to the base of the 11,600 feet "LS" Sand as identified on the log of the OGS-G-0767 Well No. 1.

It is further submitted that the proposed facilities would make available to Applicant's system 104,000,000 Mcf of reserves having a maximum day deliverability of up to 120,000 Mcf which exist in East Cameron Block 47. Such reserves which are above the base of the "OG" Sand at 9,894 feet have been dedicated to Applicant under prior long-term contracts, it is stated.

Applicant estimates the cost of the proposed facilities to be $7,130,000 which would be financed by internally generated funds and permanent financing if necessary as part of Applicant's long-term financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 81-8145 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-42-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 11, 1981.

Take notice that Transwestern Pipeline Company (Transwestern) on March 2, 1981, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Seventeenth Revised Sheet No. 5
Seventeenth Revised Sheet No. 6
Third Revised Sheet No. 6A

These sheets are issued pursuant to (1) Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of its tariff, (2) Article V, Transportation By Others, of Transwestern's Stipulation and Agreement in Docket No. RP78-88 approved by Commission Order issued September 10, 1980 and (3) Article IV, Advance Payments, of the RP78-88 Stipulation and Agreement. The Purchased Gas Cost Adjustment reflected herein consists of a net increase of 1.62¢/dth based upon increased purchased gas costs, adjusted for Projected Incremental Pricing Surcharges for the Months of April, 1981 through September, 1981, and a decreased balance in the Gas Cost Adjustment Account. The Transportation Adjustment included in the rates filed herein is an increase of 0.18¢/dth from the previous adjustment and the Advance Payment Adjustment is a decrease of .15¢/dth.

The proposed effective date of the above tariff sheets is April 1, 1981.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8166 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-305-000]

The Union Light, Heat and Power Co.; Proposed Tariff Change

March 11, 1981.

The filing Company submits the following:.

Take notice that The Union Light, Heat and Power Company (Union Light) on March 3, 1981, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1 specifically the rates in said Tariff applicable to wholesale electric service to the City of Williamstown, Kentucky. Union Light proposes that the change become effective June 25, 1981.

Union Light asserts that the filing is in accordance with Part 35 of the Commission's Regulations. Union Light states that the schedule, as filed, will supersede rate schedule presently on file with this Commission.

The proposed changes would increase revenues by approximately $190,811 based on the actual twelve month period ended June 30, 1980.

The reasons stated by Union Light for the change in rate schedule is to overcome a revenue deficiency pursuant to The Cincinnati Gas & Electric Company's proposed wholesale rate increase to Union Light filed in FERC Docket No. ER81-132 and to update the fuel adjustment clause in compliance with Section 35.14 of the Regulations. The proposed rate of The Cincinnati Gas & Electric Company was suspended to June 25, 1981.

Copies of the filing were served upon The City of Williamstown, Kentucky and the Public Service Commission of Kentucky.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before March 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8167 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-207-000]

United Gas Pipe Line Co.; Application

March 12, 1981.

Take notice that on February 24, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-207-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of certain pipeline facilities and for permission and approval to abandon service to Entex, Inc. (Entex) for nine of Entex's residential customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement with Central and South West Fuels, Inc. (CSWF) dated October 15, 1980, Applicant proposes herein to relocate portions of two of its transmission lines in Harrison County, Texas, the Latex-Fort Worth 16-inch line and the Waskom-Tyler 10-inch line. Applicant asserts that the proposed relocation away from the mining area of CSWF would allow for the mining of lignite in Harrison County by CSWF. It is asserted that the lignite would provide fuel for the generation of electricity at a facility to be constructed and operated by Southwestern Electric Power Company.

Applicant states that it would remove approximately 7 miles of its 16-inch Latex-Fort Worth line and 6 miles of its 10-inch Waskom-Tyler line from the mining area and would install 8.9 miles of the Latex-Fort Worth line and 7.7 miles of the Waskom-Tyler line in

another area. Applicant would be reimbursed by CSWF for the estimated relocation cost of $3,432,988, it is stated.

Applicant further seeks to abandon service to Entex for nine residential customers of Entex as a result of the proposed relocation. It is stated that CSWF would pay all expenses incurred in converting these customers to propane gas including the cost of both initial fuel supply and the required gas tanks for operation. Applicant avers that Entex is on notice of the proposed abandonment and has no objections.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8146 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-199-000]

Bay State Gas Co.; Application

March 12, 1981.

Take notice that on February 20, 1981, Bay State Gas Company (Applicant), 120 Royall Street, Canton, Massachusetts 02021, filed in Docket No. CP81-199-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport and sell natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D and E of Part 284 of the Commission's Regulations under the NGPA, as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 33,668,687 Mcf of natural gas within Massachusetts from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Algonquin Gas Transmission Company during the 12-month period ending November 1980. It is asserted that during the same period Applicant received the equivalent of 1,582,167 Mcf in liquefied natural gas from Distrigas, Corp. and produced the equivalent of 1,436,051 Mcf of gas in a liquid propane air process. It is also submitted that all of Applicant's existing operations are conducted in Massachusetts and Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act for such operations issued June 18, 1974, in Docket CP74-246.

Applicant asserts that at this time it is entitled to purchase 50 Mcf of natural gas per day produced in Morgan County, Ohio, and that the natural gas is presently being delivered to the East Ohio Gas Company (East Ohio).

Applicant states that it has entered into a transportation agreement with East Ohio dated April 1, 1980, in order to effectuate the transfer of its share of natural gas produced in Ohio to its operations in Massachusetts.

Applicant submits that pursuant to its agreement with East Ohio it would be required to gather and deliver, or arrange for the gathering and delivery of, the gas to East Ohio's facilities and to sell to East Ohio 25 percent of the total volume delivered into East Ohio's facilities.

Applicant asserts that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Applicant states that the gathering and transportation allowances to it under the East Ohio transportation agreement are identical to those prescribed in numerous transportation and delivery arrangements provided by East Ohio under provisions of Ohio Revised Code Section 4905.31 and approved by the Public Utilities Commission of Ohio. Applicant, therefore, requests any waivers of the Commission's Regulations to permit the allowances to become effective under its transportation agreement with East Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 81-8137 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3404-001]

Blachy-Lane Cooperative Electric Association; Application for Preliminary Permit

March 11, 1981.

Take notice that Blachy-Lane Cooperative Electric Association (Applicant) filed on December 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3404 to be known as Horn Power Project located on Lake Creek in Lane 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. Dale C. Swancutt, Blachy-Lane Cooperative Electric Association, 90680 Highway 99, Eugene, Oregon 97402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 6-foot high, 300-foot long reinforced concrete diversion dam; (2) a reservoir with a surface area of less than an acre; (3) a 2,500-foot-long penstock; (4) a power plant containing a 3.5 MW generating unit; and (5) a transmission line. The Applicant estimates that the average annual energy output would be 12 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would: make subsurface investigations, hydrologic studies, and a topographic survey; assess environmental impacts; consult with necessary agencies; and examine legal and financial factors. The cost of these studies is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to 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 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 13, 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 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3404. 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. 81-8147 Filed 3-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-397-001]

Black Marlin Pipeline Co.; Amendment to Application

March 12, 1981.

Take notice that on March 2, 1981, Black Marlin Pipeline Company (Applicant), Two Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CP80-397-001 an amendment to its pending application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the relocation of a proposed tie-in point to the pipeline system of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed on June 6, 1980, Applicant requested authorization to transport up to 25,000 Mcf of natural gas per day which Northern had contracted to purchase in Galveston Block 144L, offshore Texas. It is stated that Northern had proposed to construct and operate facilities to a believed existing sub-sea tap located in Block 99 on Applicant's 16-inch pipeline but that it was later discovered that said tap did not exist at the specified location and was 5,000 feet farther west on the pipeline. Applicant herein proposes to establish a sub-sea tap at that point where the pipelines would intersect in Block 99.

Applicant estimates that the cost of the proposed tap would be $271,000 which cost would be borne by Northern. It is stated that all other aspects of Applicant's instant filing remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8190 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-203-000]

Cities Service Gas Co.; Application

March 12, 1981.

Take notice that on February 23, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-203-000 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 pipelines taps, measuring, regulating and appurtenant facilities to enable Applicant to provide direct natural gas service to eight commercial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to:

(1) Tap its Madison 3-inch lateral pipeline and construct measuring, regulating and appurtenant facilities in Greenwood County, Kansas, for a proposed sales delivery to Cities Service Company.

(2) Tap its Oklahoma City 20-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Logan County, Oklahoma, for a proposed sales delivery to The Crude Company.

(3) Tap its Edmond-Drumright 12-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Oklahoma County, Oklahoma, for a proposed sales delivery to Forest Foster.

(4) Tap its Chase Fuel System 3-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Barton County, Kansas, for a proposed sales delivery to Gable Oil Company.

(5) Tap its Wichita-Ottawa 20-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Franklin County, Kansas, for a proposed sales delivery to Dwight Haworth.

(6) Tap its Chase Fuel System 3-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Rice County, Kansas, for a proposed sales delivery to KOP-MOR Production Company.

(7) Tap its Ft. Scott 8-inch sales lateral pipeline and construct measuring, regulating and appurtenant facilities in Vernon County, Missouri, for a proposed sales delivery to MAPCO Production Company.

(8) Tap its Quapaw 16-inch transmission pipeline and construct measuring, regulating and appurtenant facilities in Newton County, Missouri, for a proposed sales delivery to D. L. Sitton Motor Lines, Inc.

Applicant asserts that such sales of natural gas would neither significantly affect its overall gas supply nor have any detrimental effect on Applicant's existing customers.

Applicant estimates the total cost of the proposed facilities to be $60,110 which would be financed by treasury cash.

Applicant further estimates that the gas required to serve the proposed customers annually and on a peak day would be approximately 413,200 Mcf and 1,324 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 Commisssion'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. 81-8138 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-216-000]

Columbia Gas Transmission Corp.; Application

March 12, 1981.

Take notice that on February 27, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-216-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 54 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc. 6 taps for residential service. Estimated annual usage of 1,050 Mcf.

(2) Columbia Gas of Ohio, Inc. 24 taps for residential service, 1 tap for commercial service. Estimated annual usage of 4,168 Mcf.

(3) Columbia Gas of Pennsylvania, Inc. 1 tap for residential service. Estimated annual usage of 150 Mcf.

(4) Columbia Gas of Virginia, Inc. 1 tap for commercial service. Estimated annual usage of 1,200 Mcf.

(5) Columbia Gas of West Virginia, Inc. 18 taps for residential service, 1 tap for commercial service. Estimated annual usage of 6,330 Mcf.

(6) The Dayton Power and Light Company. 1 tap for residential service, 1 tap for industrial service. Estimated annual usage of 1,275 Mcf.

Applicant states that the average cost of the 54 taps is estimated to be $300. It is stated that the total cost of $16,282 would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 it 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. 81-8139 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3661-000, 3978-000]

Continental Hydro Corporation Enagenics; Application for Preliminary Permit

March 11, 1981.

Take notice that Continental Hydro Corporation (Applicant/CHC) and Enagenics (Applicant) filed on November 4, 1980 and January 12, 1981, respectively competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3661 and 3978, respectively, both to be known as Kentucky River Lock and Dam No. 13 located on the Kentucky River in Lee County, Beattyville, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with Applicant (CHC) should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Enagenics should be directed to:, Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' Kentucky River Lock and Dam No. 13 and would consist of: (1) a proposed powerhouse containing an installed generating capacity of 3.85 MW (CHC) or 3.9 MW (Enagenics) and (2) appurtenant facilities. CHC estimates the annual generation would average 20.6 GWh; Enagenics estimates the annual generation would average 28.0 GWh.

Purpose of Project—Both Applicants propose to sell the output of energy generated to the Kentucky Utility Company.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seeks issuance of a preliminary permit for a period of 36 months. With the 36 month time frame the Applicants propose to conduct data acquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, environmental, recreational economic, and historical examinations.

The Applicants estimate the cost of the proposed studies would be $55,000 (CHC), and $50,000 (Enagenics).

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 11, 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 10, 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 11, 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. 3661 and 3978. 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. 81-8148 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3674-000]

Dam Three Development LTD; Application for Preliminary Permit

March 11, 1981.

Take notice that Dam Three Development LTD (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3674 to be known as Kentucky River Lock and Dam No. 3 located at the U.S. Army Corps of Engineers on the Kentucky River in Henry and Owen County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ken Lever, 6566 France Avenue, South Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers dam. The proposed Project No. 3674 is located on Federal lands. Project No. 3674 would consist of: (1) two proposed powerhouses containing four generating units with a total installed capacity of 6 Mw; (2) proposed transmission lines approximately one mile in length and interconnected with a 130 Ky powerline owned; and (3) appurtenant facilities. The Applicant estimates that the average annual energy input would be 28,700,000 kWh.

Purpose of Project—The Applicant proposes to sell the generated output of energy to Kentucky Utilities Company, or a local utility company.

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 $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 11, 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 10, 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 11, 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. 3674. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 81-8149 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4002-000]

Enagenics; Application for Preliminary Permit

March 11, 1981.

Take notice that Enagenics (Applicant) filed on January 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4002 to be known as the Sumner Hydro Project located on the Pecos River in DeBaca County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Fort Sumner Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the right dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 7,100 kW; (3) a

tailrace; (4) a new transmission line, approximately 10 miles long; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 7,450,000 kWh.

Purpose of Project—Project energy would be sold to the Farmers Electric Cooperative. Other alternative markets, such as nearby public institutions and industrial users, will be investigated.

Purpose, Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporation's application for Project No. 3718, filed on November 13, 1980, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4002. 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. 81-8150 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-200-000]

Fitchburg Gas and Electric Light Co; Application

March 12, 1981.

Take notice that on February 20, 1981, Fitchburg Gas and Electric Light Company (Applicant), 120 Royall Street, Canton, Massachusetts 02021, filed in Docket No. CP81-200-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport and sell natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA as well as Section 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 2,606,426 Mcf of natural gas within Massachusetts from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. during the 12-month period ending November 1980. It is asserted that during the same period Applicant received the equivalent of 226,274 Mcf of liquefied natural gas from Bay State Gas Company and produced the equivalent of 99,876 Mcf of gas in a liquid propane air process. It is also submitted that all of Applicant's existing operations are conducted in Massachusetts and that Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act for such operations issued August 25, 1966, in Docket No. CP66-380.

Applicant asserts that at this time it is entitled to purchase 25 Mcf of natural gas per day produced in Morgan County, Ohio, and that the natural gas is presently being delivered to the East Ohio Gas Company (East Ohio).

Applicant states that it has entered into a transportation agreement with East Ohio dated April 1, 1980, in order to effectuate the transfer of its share of the gas produced in Ohio to its operations in Massachusetts.

Applicant submits that pursuant to its agreement with East Ohio it would be required to gather and deliver, or arrange for the gathering and delivery of, the gas to East Ohio's facilities, and to sell to East Ohio 25 percent of the total volume delivered into East Ohio's facilities.

Applicant asserts that it would comply with the conditions set forth in Section 284.222(e) of the Commission's Regulations.

Applicant states that the gathering and transportation allowances to it under the East Ohio transportation agreement are identical to those prescribed in numerous transportation and delivery arrangements provided by East Ohio under provisions of Ohio Revised Code Section 4905.31 and approved by the Public Utilities Commission of Ohio. Applicant, therefore, requests any waivers of the Commission's Regulations to permit the allowances to become effective under its transportation arrangements with East Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 81-8140 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3473 and 3784]

Jack M. Fuls, et al.; Notice Denying Notice of Intent To File a Competing Application

March 12, 1981.

In the matter of Jack M. Fuls, Deschutes Reclamation and Irrigation Company, Inc., Central Oregon Irrigation District and North Unit Irrigation District.

Clyde W. Purcell, Mary Lou Purcell and Prineville Water Company filed a Notice of Intent to file a competing application for a preliminary permit for the Bend Diversion Dam Power Project located on the Deschutes River in Deschutes County, Oregon. The Notice of Intent is rejected because it is not timely filed.

The Notice of Intent filed by the Purcells and Prineville is not timely because it fails to comply with the deadline clearly specified in the Notice of Application for Preliminary Permit for Project No. 3473. That notice stated that the deadline for Notices of Intent was January 23, 1981. The Notice of Intent filed by the Purcells and Prineville was docketed January 26, 1981. The Notice of Intent was thus not timely. The Notice of Intent is therefore rejected.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8191 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-341-002]

Northern Natural Gas Co., Division of InterNorth, Inc.; Amendment to Application

March 12, 1981.

Take notice that on March 2, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-341-002 an amendment to its pending application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the relocation of a proposed tie-in point to the pipeline system of Black Marlin Pipeline Company (Black Marlin), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application filed on April 25, 1980, and amended June 12, 1980, Applicant requested authorization to construct and operate 11.3 miles of 10-inch pipeline and 2.3 miles of 6-inch pipeline between the producer platforms in Galveston Area Block 144L, offshore Texas, to Black Marlin's 16-inch pipeline in Block 99 in order to attach and transport natural gas reserves located in Block 144L which Applicant has contracted to purchase.

It is stated that the original proposed tie-in point was thought to be an existing sub-sea tap on Black Marlin's 16-inch pipeline in Block 99 but that it was later discovered that no tap existed at the specified location and is now believed to be approximately 5,000 feet farther west on the pipeline. Applicant herein proposes to change the tie-in point to that point located in Block 99 at which the facilities of Applicant and Northern intersect. Applicant moreover states that the revised tie-in point would result in the construction and operation of 9.2 miles of 10-inch pipeline and 2.3 miles of 6-inch pipeline.

It is stated that the revision provides for the same route as previously proposed with the exception that approximately 2.1 miles of 10-inch pipeline extending west from the point of intersection with Black Marlin's 16-inch pipeline would be deleted.

Applicant estimates that the total project cost of the proposed facilities has declined to $7,790,000 which is attributable to the cost saving due to the reduction of the required miles of 10-inch pipeline offset by the increased cost to construct the sub-sea tap and the general increased cost of off-shore pipeline construction since the time of the last amended filing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8192 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4037-000]

Richard Charles Young and George Robert Young; Application for Preliminary Permit

March 11, 1981.

Take notice that Richard Charles Young and George Robert Young (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4037 to be known as Montgomery Creek located on Montgomery Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard Young and George Young, P.O. Box 32, Warren and Nelson Streets, Taylorsville, California 95983. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an infiltration galley; (2) a penstock; (3) a powerhouse containing two generating units, 100- and 200-kW respectively; and (4) a transmission line.

The Applicant estimates that the average annual energy output would be 1,000,000 kWh.

Purpose of Project—The power generated by the proposed project would possibly be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would assess market potential and environmental impacts; study hydrology; project costs; assess legal, financial and site issues; and document findings. The cost of these studies is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to 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 11, 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 10, 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 11, 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. 4037. 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. 81-8151 Filed 3-16-81; 8:45 a.m]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
=ADOBE OIL & GAS CORP				RECEIVED: 02/19/81 JA: TX			
8118147	29152	4213332523	102	SNEED C NO 1	MANGUM NORTH (3200)	92.0	UDESSA NATURAL CORP
=AMAREX INC				RECEIVED: 02/19/81 JA: TX			
=8118143	28948	4248300000	102	ROGERS UNIT #1 73498	WHEELER-PAN (HUNTON NW)	1095.0	ARKANSAS LOUISIANA G
=AMARILLO OIL COMPANY				RECEIVED: 02/19/81 JA: TX			
8118227	30138	4217900000	108	ZUEB #11 (#26632)	PANHANDLE EAST	0.0	PIONEER NATURAL GAS
=AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED: 02/19/81 JA: TX			
8118189	29775	4244732298	103	BAILES-PARMENTER-JONES #7	BAILES	70.0	GREAT WESTERN GAS CO
8118097	23588	4240130861	103	WYLIE GAS UNIT NO 1	HENDERSON NORTH (COTTON	183.0	UNITED GAS PIPELINE
8118097	23588	4240130861	107	WYLIE GAS UNIT NO 1	HENDERSON NORTH (COTTON	183.0	UNITED GAS PIPELINE
=AMOCO PRODUCTION CO				RECEIVED: 02/19/81 JA: TX			
8118211	30017	4227930236	103	ANTON-IRISH CLEARFORK UT #434	ANTON-IRISH	3.9	PIONEER NATURAL GAS
8118214	30020	4218900000	103	ANTON-IRISH CLEARFORK UT #441	ANTON-IRISH	1.4	PIONEER NATURAL GAS
8118062	20001	4220330486	102	BRUNE-BURNETT GU NO 2	ROBSBOROUGH SPRINGS /RUD	547.0	UNITED GAS PIPE LINE
8118150	29187	4234930992	102	DOROTHY CLARK C NO 1	CHENEYBORO (COTTON VALLE	213.8	LONE STAR GAS CO
8118213	30019	4249531245	103	E G HUTCHINGS T-90 #7	KERMIT	17.5	CABOT CORP
8118212	30018	4249531244	103	E G HUTCHINGS T-90 #8	KERMIT	20.8	CABOT CORP
8118219	30063	4200332244	103	FULLERTON SAN ANDRES UT #43	FULLERTON SAN ANDRES	7.3	AMOCO PRODUCTION CO
8118122	26748	4243531106	108	JOE M VANDERSTUCKEN #1	SAWYER/CANYON/	15.5	LONE STAR GAS CO
8118151	29188	4234931157	102	JOHN D CUNNINGHAM NO 3	CHENEYBORO(COTTON VALLEY	103.0	LONE STAR GAS CO
8118168	29485	4220131007	102	L L COX GAS UNIT #1	TOMBALL SE/12250/	400.0	AMOCO GAS CO
8118215	30021	4200300000	103	L T DAVIS #8	FUHRMAN-MASCHO (DEVONIAN	12.8	PHILLIPS PETROLEUM C
8118198	29966	4235730997	103	R P ROBERTS NO 12	HORIZON (CLEVELAND)	2.0	PHILLIPS PETROLEUM C
=ARCO OIL AND GAS COMPANY				RECEIVED: 02/19/81 JA: TX			
8118177	29548	4229530742	102	CRUISE C DUKE NO 1-L	KIOWA CREEK SOUTH (MORRO	37.0	PHILLIPS PETROLEUM C
=ARKLA EXPLORATION COMPANY				RECEIVED: 02/19/81 JA: TX			
8118114	26156	4236531036	102	ALVIS RITTER #1	CARTHAGE (TRAVIS PEAK)	550.0	ARKANSAS LOUISIANA G
=ATAPCO				RECEIVED: 02/19/81 JA: TX			
8118098	23785	4245130563	103	RUST ESTATE NO 1 08225	BALD EAGLE (STRAWN)	73.0	
8118098	23785	4245130563	102	RUST ESTATE NO 1 08225	BALD EAGLE (STRAWN)	73.0	
=BASS ENTERPRISES PRODUCTION CO				RECEIVED: 02/19/81 JA: TX			
=8118113	26132	4234730487	103	GARRISON GU NO 9 #1	GARRISON N (LOWER PETTIT	365.0	UNITED GAS PIPE LINE
=8118113	26132	4234730487	102	GARRISON GU NO 9 #1	GARRISON N (LOWER PETTIT	365.0	UNITED GAS PIPE LINE
=BEN J TAYLOR				RECEIVED: 02/19/81 JA: TX			
8118217	30051	4233100000	103	KUBIAK DAN A 2	MINERVA-ROCKDALE	30.0	LONE STAR GAS CO
=BRIGHT & COMPANY				RECEIVED: 02/19/81 JA: TX			
8118099	23804	4221531032	103	G FLORES JR NO 1	SULLIVAN CITY (VICKSBURG	45.0	TENNESSEE GAS PIPELI
8118099	23804	4221531032	102	G FLORES JR NO 1	SULLIVAN CITY (VICKSBURG	45.0	TENNESSEE GAS PIPELI
=BRM OIL & GAS				RECEIVED: 02/19/81 JA: TX			
8118221	30085	4206530826	103	BURNETT #4	PANHANDLE CARSON	36.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	J WELL NAME	FIELD NAME	PROD	PURCHASER
8118222	30086	4206509246	103	BURNETT #6	PANHANDLE CARSON	50.0	PANHANDLE EASTERN PI
-BURK ROYALTY CO				RECEIVED: 02/19/81 JA: TX			
8118124	27164	4210500000	108	CHALMERS-HALFF #43361	FERGUS (GRAYBURG UP)	14.5	KIBO COMPRESSOR CORP
8118123	27163	4210500000	108	HALFF-NOELKE #48383	FERGUS (GRAYBURG UP)	9.5	KIBO COMPRESSOR CORP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 02/19/81 JA: TX			
8118085	22712	4217331041	102	B F DOOLEY NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8118104	25150	4217331056	102	I W TERRY A NO 4	CONGER S W (PENN)	60.0	NORTHERN NATURAL GAS
8118148	29153	4243130899	103	I W TERRY NO 8	S W CONGER (PENN)	60.0	NORTHERN NATURAL GAS
-CITIES SERVICE COMPANY				RECEIVED: 02/19/81 JA: TX			
8118210	30014	4206530795	103	BURNETT RANCH - E #11	PANHANDLE CARSON	100.0	CITIES SERVICE GAS C
-CNR RESOURCES INC				RECEIVED: 02/19/81 JA: TX			
8118170	29503	4216130675	102	J R STEEDMAN NO 1 GAS UNIT	GORDONVILLE WEST (DETRIT	730.0	LONE STAR GAS CO
-CONOCO INC				RECEIVED: 02/19/81 JA: TX			
8118130	27681	4211500000	108	B C SNELL #1	ACKERLY	3.7	TEXACO
8118257	30227	4222732188	103	G O CHALK-E-#20 (#02689)	HOWARD GLASSCOCK	3.6	PHILLIPS PETROLEUM C
8118197	29952	4210931423	103	RAMSEY-22-#6 ID#24217	FORD WEST	18.9	EL PASO NATURAL GAS
8118061	19778	4215100000	108	ROUND TOP PALO PINTO #156 (#11416)	ROUND TOP	0.1	LONE STAR GAS CO
8118256	30226	4215131162	103	ROUND TOP PALO PINTO #165 (#11416)	ROUND TOP	131.4	LONE STAR GAS CO
8118255	30225	4215131161	103	ROUND TOP PALO PINTO #166 (#11416)	ROUND TOP	90.5	LONE STAR GAS CO
8118239	30167	4210532725	103	TODD CINHOIDAL UNIT #42	TODD	7.7	THE PERMIAN CORP
8118063	20019	4243300000	108	WEST FLOWERS UNIT #59 ID#11787	FLOWERS WEST	0.4	CITIES SERVICE OIL C
8118226	30142	4213533467	103	WIGHT UNIT #145	COWDEN NORTH	2.6	AMOCO PRODUCTION CO
-COTTON PETROLEUM CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118210	30044	4239330149	106	R D MILLS NO 1	R D MILLS/ATOKA	14.0	MICHIGAN - WISCONSIN
-CPC EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118054	12367	4250530959	102	F G G RANCHES LTD #1 RRC #76409	GUTIERREZ (11650)	130.0	UNITED TEXAS TRANSMI
-CREDO OIL & GAS INC				RECEIVED: 02/19/81 JA: TX			
8118156	29260	4224500000	103	FIRST SECURITY NATIONAL BANK #2 (8*	BIG HILL	216.0	VELSICOL CHEMICAL CO
8118155	29258	4224500000	103	FIRST SECURITY NATL BK #1 (81410)	BIG HILL	126.0	VELSICOL CHEMICAL CO
-DANDEN PETROLEUM INC				RECEIVED: 02/19/81 JA: TX			
8118094	22788	4223300006	108	DAVENPORT #4	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118093	22787	4223300000	108	DAVENPORT #5	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118092	22786	4223300000	108	DAVENPORT #6	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118091	22785	4223300000	108	DAVENPORT #7	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118090	22784	4223300000	108	DAVENPORT #8	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118089	22783	4223300000	108	DAVENPORT #9	PANHANDLE	2.6	DIAMOND-SHAMROCK COR
8118086	22772	4223300000	108	KNUDSEN #11	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8118088	22775	4223300000	108	KNUDSEN #5	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
8118087	22774	4223300000	108	KNUDSEN #6	PANHANDLE	2.1	DIAMOND-SHAMROCK COR
-DELTA DRILLING CO				RECEIVED: 02/19/81 JA: TX			
8118095	23091	4236500000	102	CARAWAY-ASH #1 90572	CARAWAY-ASH #1	500.0	WESTERN GAS CORP
8118095	23091	4236500000	107	CARAWAY-ASH #1 90572	CARAWAY-ASH #1	500.0	WESTERN GAS CORP
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 02/19/81 JA: TX			
*8118074	22239	4234100000	108	READ D NO 1	WEST PANHANDLE	14.0	NORTHERN NATURAL GAS
-DISCOVERY OPERATING INC				RECEIVED: 02/19/81 JA: TX			
8118242	30175	4238331661	103	LOFTIN A #3	SPRABERRY (TREND AREA)	37.8	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/19/81 JA: TX			
8118191	29850	4208726179	108	MCDOWELL #5	PANHANDLE EAST-BROWN DOL	17.0	EL PASO NATURAL GAS
-ENSERCH EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118129	27066	4223733111	103	L H YATES E NO 2-C	LELA HILL	639.0	LONE STAR GAS CO
-ERSO INC				RECEIVED: 02/19/81 JA: TX			
8118100	23955	4236500000	103	CARTHAGE UNIT #34	CARTHAGE	365.0	TENNESSEE GAS PIPELI
8118100	23955	4236500000	107	CARTHAGE UNIT #34	CARTHAGE	365.0	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	J WELL NAME	FIELD NAME	PROD	PURCHASER
-EXXON CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118060	19724	4216730662	103	BAYOU DEVEL CO B NO 16	DICKINSON DEEP (FRIO)	390.0	HOUSTON PIPE LINE
8118201	29993	4222732233	103	DOUTHIT UNIT #208	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8118258	30230	4222732234	103	DOUTHIT UNIT #209	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8118243	30176	4232130981	103	FLORENCE V BOULDIN NO 7	SUGAR VALLEY (TAYLOR BSG	840.0	NATURAL GAS PIPELINE
*8118206	30000	4200332328	103	FULLERTON CLEARFORK UNIT #2141	FULLERTON	11.0	PHILLIPS PETROLEUM C
*8118205	29999	4200300000	103	FULLERTON CLEARFORK UNIT #2725	FULLERTON	69.0	PHILLIPS PETROLEUM C
*8118231	30153	4200332326	103	FULLERTON CLEARFORK UT #2327	FULLERTON	39.0	PHILLIPS PETROLEUM C
*8118071	21373	4249930367	103	HAWKINS FIELD UNIT #3033	HAWKINS	62.1	ARMCO STEEL CORP
*8118072	21374	4249930664	103	HAWKINS FIELD UNIT #3283	HAWKINS	30.0	ARMCO STEEL CORP
*8118065	21367	4249930675	103	HAWKINS FIELD UNIT #3624	HAWKINS	20.0	ARMCO STEEL CORP
*8118069	21371	4249930669	103	HAWKINS FIELD UNIT #4018	HAWKINS	40.0	ARMCO STEEL CORP
*8118067	21369	4249930634	103	HAWKINS FIELD UNIT #4063	HAWKINS	73.0	ARMCO STEEL CORP
*8118066	21368	4249930714	103	HAWKINS FIELD UNIT #4267	HAWKINS	40.0	ARMCO STEEL CORP
*8118068	21370	4249930583	103	HAWKINS FIELD UNIT #9109	HAWKINS	171.6	ARMCO STEEL CORP
*8118070	21372	4249930581	103	HAWKINS FIELD UNIT #9208	HAWKINS	95.0	ARMCO STEEL CORP
8118233	30156	4210332332	103	J B TUBB A/C 1 #229L	SAND HILLS (TUBB)	27.0	EL PASO NATURAL GAS
8118202	29994	4210332332	103	J B TUBB A/C 1 #229U	SAND HILLS (MCKNIGHT)	273.0	EL PASO NATURAL GAS
8118203	29995	4210332362	103	J B TUBB A/C 1 #230U	SAND HILLS (MCKNIGHT)	70.0	EL PASO NATURAL GAS
8118232	30154	4210332365	103	J B TUBB A/C 1 #231L	SAND HILLS (TUBB)	32.0	EL PASO NATURAL GAS
8118204	29996	4210300000	103	J B TUBB A/C 1 #231U	SAND HILLS (MCKNIGHT)	42.0	EL PASO NATURAL GAS
8118175	29534	4224730822	102	NICEFORO PENA 9-F (88351)	KELSEY DEEP (ZONE 17-B S	160.0	TRUNKLINE GAS CO
8118167	29454	4247531676	103	RHODA WALKER UNIT 1 #1	RHODA WALKER (CANYON 590	120.0	UNITED TEXAS TRANSMI
8118192	29877	4221530950	102	SANTA FE RANCH S 52 (89755)	SANTA FE SOUTH (G-18W)	200.0	NATURAL GAS PIPELINE
8118176	29535	4204730800	102	SANTA FE RANCH 56-F (89427)	SANTA FE EAST (G-57 C)	620.0	NATURAL GAS PIPELINE
8118250	30201	4200131007	103	W T TODD B #5	NECHES (WOODBINE)	65.2	UNITED GAS PIPELINE
-FISHER-WEBB INC				RECEIVED: 02/19/81 JA: TX			
8118254	30224	4208130896	103	PRICE 309 NO 4	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
-FRED OLSEN INC				RECEIVED: 02/19/81 JA: TX			
8118059	17961	4209700000	103	WILLIAM B YOUNG ET AL NO 1-T	WEST HANDY (DORNICK HILL	0.0	C C G P LTD
-GEODYNAMICS OIL & GAS INC				RECEIVED: 02/19/81 JA: TX			
8118109	25483	4205130451	102	HOVORAK A #1	CALDWELL (AUSTIN CHALK)	215.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED: 02/19/81 JA: TX			
8118138	28763	4235300000	108	LAKE TRAMMEL UNIT NO 31	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
-GRACE PETROLEUM CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118118	26548	4241930306	105	CLOVIS FURLOW #1	HUXLEY (PALUXY)	50.0	TEXAS EASTERN TRANSM
-GUARDIAN OIL CO				RECEIVED: 02/19/81 JA: TX			
8118153	29201	4224931138	102	ALLMAN UNIT NO 1	LAGLORIA N (FRIO 6650)	105.0	VALERO INTERSTATE TR
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118162	29416	4224931229	103	REHMET ESTATE #2	ORANGE GROVE (5200)	0.0	UNITED GAS PIPELINE
-GULF COAST MINERALS CO INC				RECEIVED: 02/19/81 JA: TX			
8118171	29514	4213134434	102	GARCIA PEREZ GAS UNIT NO 1	JAM (1820)	73.0	UNITED GAS PIPELINE
-GULF OIL CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118207	30002	4247531929	103	HUTCHINGS STOCK ASSN NO 1038	ESTES BLOCK 34 (PENN)	22.0	CABOT CORP
8118234	30161	4247532148	103	HUTCHINGS STOCK ASSN NO 1106	WAGON WHEEL (PENN)	62.0	CABOT CORP
-HNG OIL COMPANY				RECEIVED: 02/19/81 JA: TX			
8118199	29986	4246931072	103	NORTON-MUSSELMAN GU #3 90337	SALEM (2400)	25.0	TEXAS EASTERN TRANSM
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 02/19/81 JA: TX			
8118064	20379	4207130975	102	STATE TRACT 299 NO 1	WILDCAT	0.0	
-HUNT OIL COMPANY				RECEIVED: 02/19/81 JA: TX			
8118174	29525	4246131629	102	AMACKER-HALFF 81 NO 4	AMACKER-TIPPETT SW (9000	108.0	EL PASO NATURAL GAS
-HURLEY PETROLEUM CORPORATION				RECEIVED: 02/19/81 JA: TX			

JD NO	GA DKT	API NO	SEC	J WELL NAME
8118105	025211	4236531075	102	SCOTT MCGEE UNIT NO 2-C
-J A LEONARD				RECEIVED: 02/19/81 JA: TX
8118152	29200	4248131962	102	MIDDLEBROOK NO 1
-J CLEO THOMPSON				RECEIVED: 02/19/81 JA: TX
8118149	29184	4210500000	102	UNIVERSITY 32E-2
-J M HUBER CORPORATION				RECEIVED: 02/19/81 JA: TX
8118161	29414	4234100000	108	PRITCHARD C NO 1
8118160	29413	4234100000	108	PRITCHARD C NO 3
8118159	29412	4234100000	108	PRITCHARD C NO 4
-JOHN L COX				RECEIVED: 02/19/81 JA: TX
8118135	28368	4246131600	103	MCGILL B #1
-KELLY BELL INC				RECEIVED: 02/19/81 JA: TX
8118183	29659	4202531259	103	MENGERS-CAROTTA GAS UNIT #2
-KERR-MCGEE CORPORATION				RECEIVED: 02/19/81 JA: TX
8118112	26109	4221131218	102	KIKER 15-#1
-L F PETERSON				RECEIVED: 02/19/81 JA: TX
8118172	29523	4250100000	103	CLAWATER NO 1
8118173	29524	4250100000	103	CLAWATER NO 2
-LA GLORIA ENERGY INC				RECEIVED: 02/19/81 JA: TX
8118110	25540	4246931539	103	C K MCCAN JR NO 1
-M G & H OPERATORS				RECEIVED: 02/19/81 JA: TX
8118135	28118	4237100000	108	MEYER LOGAN #1 00114
-MANGUM INC				RECEIVED: 02/19/81 JA: TX
8118073	21901	4202500000	108	CLAUDE E HEARD #2
-MCCORMICK OPERATING CO				RECEIVED: 02/19/81 JA: TX
8118185	29724	4200130933	102	LOU E ALLEN NO 1-A
-MGF OIL CORP				RECEIVED: 02/19/81 JA: TX
8118190	29777	4207131028	102	M E MAYES NO 1 RRC #12721
-MITCHELL ENERGY CORPORATION				RECEIVED: 02/19/81 JA: TX
8118084	22582	4249700000	108	A A FARQUARAR #1 (78526)
8118106	25290	4249700000	108	DONALDSON-WEBSTER #1 (28635)
8118117	26521	4236700000	103	FULLER DESHAZO #1
8118186	29758	4236300000	108	H E MCCALL #1 69719
8118230	30151	4236300000	108	J R HALSELL B #1 70038
8118115	26333	4249731819	103	JEFF FOX #3
8118082	22580	4249700000	108	JOE SKINNER #1 (81877)
8118116	26480	4203300000	103	MORRIS MILLER 276 #2
8118229	30150	4249700000	108	THOMAS P DENTON #1
8118083	22581	4249700000	108	WAGGONER #11 (29310)
8118081	22579	4249700000	108	WAGGONER #12 (29311)
8118107	25292	4249700000	108	WARREN DONALDSON #2 (28632)
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 02/19/81 JA: TX
*8118181	29641	4247532175	103	STATE AD NO 1
8118253	30222	4210332343	103	TEXAS UNIV SEC 15 & 16 #1552
8118252	30221	4210332344	103	TEXAS UNIV SEC 15 & 16 #1555
-MOODY ENERGY CO				RECEIVED: 02/19/81 JA: TX
8118220	30083	4221131225	103	DETRIXHE NO 1 (04593)
-MOTE RESOURCES INC				RECEIVED: 02/19/81 JA: TX
8118194	29909	4249731730	103	PERRY HEIRS #1 (89583)
8118193	29901	4233731355	103	W C YATES (20008)
-MURPHY H BAXTER				RECEIVED: 02/19/81 JA: TX
8118163	29421	4223931433	102	STANFORD NO 1 RRC NO 89833
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 02/19/81 JA: TX

FIELD NAME	PROD	PURCHASER
BETHANY (TRAVIS PEAK 770	360.0	TENNESSEE GAS PIPELI
CRESCENT (FRIO 4500)	262.0	FERGUSON CROSSING PI
UNIVERSITY 31-STRAWN-DET	652.0	PHILLIPS PETROLEUM C
PANHANDLE	16.9	COLORADO INTERSTATE
PANHANDLE	16.9	COLORADO INTERSTATE
PANHANDLE	16.9	COLORADO INTERSTATE
MCGILL (SPRABERRY)	12.0	PHILLIPS PETROLEUM C
TYNAN (FRIO 3700-LO)	162.0	VALERO TRANSMISSION
ALLISON-PARKS	0.0	EL PASO NATURAL GAS
WASSON	4.9	SHELL OIL CO
WASSON	10.5	SHELL OIL CO
WELDER RANCH (5670) FIEL	100.0	VALERO TRANSMISSION
ABELL PERMIAN 3800	14.2	PGP GAS PRODUCTS INC
HEARD RANCH	20.0	TRUNKLINE GAS CO
JECAN	360.0	LONE STAR GAS CO
MAYES WEST (F-2)	0.1	
BOONESVILLE (BEND CONGL	4.5	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	11.8	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL)	50.0	
GRAFORD (BEND CONGL)	3.0	SOUTHWESTERN GAS PIP
GRAFORD WEST (CADDO CONG	0.0	SOUTHWESTERN GAS PIP
BOONSVILLE (BEND CONGL G	65.0	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	4.9	NATURAL GAS PIPELINE
LUCY NORTH (PENN)	20.0	SUN GAS CO
BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	8.7	LONE STAR GAS CO
BOONESVILLE (BEND CONGL	1.1	LONE STAR GAS CO
BOONESVILLE (BEND CONGL	0.0	NATURAL GAS PIPELINE
CAPRITO (DELAWARE-MIDDLE	23.0	LONE STAR GAS CO
DUNE	60.2	PHILLIPS PETROLEUM C
DUNE	49.3	PHILLIPS PETROLEUM C
FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEUM C
BOONSVILLE (BEND CONGLOM	0.0	NATURAL GAS PIPELINE
SUNSET CONGLOMERATE	10.5	NATURAL GAS PIPELINE
STANFORD (6570)	180.0	UNITED TEXAS TRANSMI

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8118058	17627	4203931315	102		A B JONES #1 (#83792)	FRIO (10560)	365.0	CHANNEL INDUSTRIES G
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 02/19/81 JA: TX			
8118121	26725	4247900000	102		WEBB COUNTY SCH BD #1 (87366)	MANCHO PRADO (L-1)	290.0	TRANSCONTINENTAL GAS
-OWL PETROLEUM CO					RECEIVED: 02/19/81 JA: TX			
8118145	29147	4208930470	108		L J SCHILLING NO 1 NO 64262	COLOVACA (MIOCENE 2100)	10.0	LONE STAR GAS CO
8118146	29148	4208930404	108		OLDHAM LITTLE CHURCH NO 5-C ID	COLOCACA (MIOCENE 1900)	10.0	LONE STAR GAS CO
-P R RUTHERFORD					RECEIVED: 02/19/81 JA: TX			
*8118144	29135	4231131151	102		BAKER 4 NO 1	BRAZIL (1890)	110.0	HOUSTON PIPE LINE CO
-PANHANDLE PRODUCING COMPANY					RECEIVED: 02/19/81 JA: TX			
8118102	24367	4223300000	108		ALAMOSA-SANFORD NO 5	PANHANDLE WEST	22.8	COLORADO INTERSTATE
-PARKER OPERATING CO INC					RECEIVED: 02/19/81 JA: TX			
8118126	27442	4222100000	108		CARL ALDENHOVEN #3 RRC #80901	LIPAN (MARBLE FALLS)	3.5	NORTHERN GAS PRODUCT
8118125	27439	4250300000	103		HALL-PARKS #1 RRC #20249	NAPECO (MISS)	0.0	NATURAL GAS PIPELINE
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 02/19/81 JA: TX			
8118244	30186	4213533352	103		(18713) GOLDSMITH ADOBE UNIT #21-08	GOLDSMITH (5600)	20.0	EL PASO NATURAL GAS
8118141	28881	4213533351	103		(18713) GS ADOBE UNIT #39-13	GOLDSMITH (5600)	28.0	EL PASO NATURAL GAS
8118127	27446	4221131141	107		BOWERS G # 2	WASHITA CREEK (HUNTON)	3832.0	NATURAL GAS PIPELINE
8118200	29990	4246530337	103		CAUTHORN B NO 2	VINEGARONE (STRAWN)	34.0	NORTHERN NATURAL GAS
8118180	29638	4246530338	103		CAUTHORN C #2	VINEGARONE (STRAWN)	21.7	NORTHERN NATURAL GAS
-PIONEER PRODUCTION CORPORATION					RECEIVED: 02/19/81 JA: TX			
8118128	27491	4248330737	102		VERNON B HALL #1-3	ALLISON PARKS/DOUGLAS	12.0	PIONEER NATURAL GAS
-PRODUCTION MANAGEMENT ASSOC					RECEIVED: 02/19/81 JA: TX			
8118209	30010	4217900000	108		J B BOWERS (00377) NO 3	PANHANDLE GRAY COUNTY	6.0	PHILLIPS PETROLEUM C
-R H SIEGFRIED INC					RECEIVED: 02/19/81 JA: TX			
8118218	30055	4249700000	103		R L MORRIS-A-NO 21A	CHICO WEST (CADDO CONGL)	120.0	NATURAL GAS PIPELINE
-R L BURNS CORP					RECEIVED: 02/19/81 JA: TX			
8118196	29919	4247931234	108		RETTIG #6	SEGUNDO (OLMOS)	20.0	HOUSTON PIPE LINE CO
8118195	29918	4247931296	108		RETTIG NO 11	SEGUNDO (OLMOS)	20.1	HOUSTON PIPE LINE CO
-REPUBLIC OIL & GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118184	29720	4242731442	102		ELOY #2	KELSEY SOUTH (5730) FIEL	30.0	SUN GAS CO
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 02/19/81 JA: TX			
8118154	29236	4229132322	102		BUFFUM & BENNING NO 1-A	HARDIN N (MCMURTRY SEG A	500.0	POYNOR CORP
-SAXON OIL COMPANY					RECEIVED: 02/19/81 JA: TX			
8118224	30092	4246131632	103		WINDHAM A NO 1	SPRABERRY (TREND AREA)	16.1	EL PASO NATURAL GAS
-SHELL OIL CO					RECEIVED: 02/19/81 JA: TX			
8118136	28455	4250100000	108		OWNBY SAN ANDRES UNIT #5	OWNBY	4.4	AMOCO PRODUCTION CO
-SMACKOVER SHELL LIMITED					RECEIVED: 02/19/81 JA: TX			
8118131	27906	4221330216	102		A G JONES GU 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
-SOUTH BEND OIL & GAS INC					RECEIVED: 02/19/81 JA: TX			
8118245	30189	4250333331	103		JOHN KISINGER A #1 (19641)	YOUNG COUNTY REGULAR	16.0	SOUTH WESTERN GAS PI
8118246	30190	4250333588	103		JOHN KISINGER B #1 (19699)	YOUNG COUNTY REGULAR	10.0	SOUTHWESTERN GAS PIP
8118249	30198	4250333589	103		JOHN KISINGER C #1 (19738)	YOUNG COUNTY REGULAR	26.0	SOUTHWESTERN GAS PIP
8118248	30192	4250334085	103		JOHN KISINGER E #1 (20434)	YOUNG COUNTY REGULAR	7.0	SOUTHWESTERN GAS PIP
8118247	30191	4250334080	103		JOHN KISINGER F #1 (20435)	YOUNG COUNTY REGULAR	6.0	SOUTHWESTERN GAS PIP
-STAHL PETROLEUM CO					RECEIVED: 02/19/81 JA: TX			
8118057	16733	4217900000	108		WEBB D #1-G	EAST PANHANDLE	4.0	TRANSWESTERN PIPELIN
-SUBURBAN PROPANE GAS CORP					RECEIVED: 02/19/81 JA: TX			
8118240	30173	4216300000	108		ESTHER BERRY NO 1	WEST BIG FOOT/GAS	20.8	TRANSCONTINENTAL GAS
8118241	30174	4216300000	108		ROMAN HERNANDEZ NO 2	WEST BIG FOOT/GAS	20.3	TRANSCONTINENTAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 02/19/81 JA: TX			
8118165	29437	4250730470	103		E B JONES B NO 2	PEARSALL	2.0	HOUSTON PIPE LINE CO
8118103	24756	4239100000	108		J M OBRIEN A NO 3	GRETA (L-8)	16.0	UNITED TEXAS TRANSMI

JD NO	JA DST	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118076	22266	4208130811	103	JAMESON REEF UNIT NO 11-57	JAMESON	20.0	LONE STAR GAS CO
8118077	22269	4208130347	103	JAMESON REEF UNIT NO 2007	JAMESON	19.0	LONE STAR GAS CO
8118075	22265	4208130812	103	JAMESON REEF UNIT NO 4-31	JAMESON	29.0	LONE STAR GAS CO
8118120	20662	4216300000	108	MAGRILL NO 1	EAST TEXAS	0.6	UNITED GAS PIPE LINE
8118078	22276	4246931557	103	NANCY F SHELTON NO 7	PALO ALTO (6620 FRIO)	21.0	UNITED TEXAS TRANSMI
8118166	29438	4246931575	103	NANCY F SHELTON NO 8	PALO ALTO	35.0	UNITED TEXAS TRANSMI
8118035	14069	4224900000	108	SEELIGSON UNIT NO 1-22	SEELIGSON	16.0	TENNESSEE GAS PIPELI
8118169	29490	4235330889	102	W M GEORGE #4	WITHERS (ELLENBURGER)	1.1	
8118119	26661	4216300000	108	WILLIAM COBB NO 11	EAST TEXAS	0.2	UNITED GAS PIPE LINE
8118134	28266	4210730726	103	ZINN & FORMAN NO 20	CAPLEN	15.0	TEXAS GAS PIPELINE C
-SUPERIOR OIL CO				RECEIVED: 02/19/81 JA: TX			
8118101	24127	4226531465	102	F SOROTIK GU 1 NO 2	WORD N (EDWARDS)	0.0	NATURAL GAS PIPELINE
8118096	23389	4201530443	107	M J TAYLOR NO 1	NEW ULM (EDWARDS)	0.0	
-TAHOE CORP				RECEIVED: 02/19/81 JA: TX			
8118162	29642	4233531728	103	MARY FOSTER NO 140 ID #02890	IATAN EAST HOWARD	0.4	GETTY OIL CO
-TAYLOR OPERATING COMPANY				RECEIVED: 02/19/81 JA: TX			
8118225	30095	4226100000	103	RAWLS NO 2 (16305)	RAWLS (MARBLE FALLS)	51.0	SOUTHWESTERN GAS PIP
-TEX-STAR PETROLEUM				RECEIVED: 02/19/81 JA: TX			
8118226	30107	4239931470	103	FULLER #1-C (08577)	HENSON (MORRIS) FIELD	24.0	UNION TEXAS PETROLEU
-TEXACO INC				RECEIVED: 02/19/81 JA: TX			
8118206	30003	4221932962	103	IRA P DELOACHE #10	LEVELLAND	20.1	AMOCO PRODUCTION CO
8118251	30202	4221932954	103	IRA P DELOACHE #13	LEVELLAND	27.7	AMOCO PRODUCTION CO
8118132	27941	4250530239	108	J D JENNINGS #384	JENNINGS W	1.2	TENNESSEE GAS PIPELI
8118137	28641	4238930939	103	REEVES AX FEE #2	SCREWBEAN N E	11.0	CONTINENTAL OIL CO
-TEXAS OIL & GAS CORP				RECEIVED: 02/19/81 JA: TX			
8118056	14307	4224931018	102	BRAND #1	WADE CITY	75.0	VALLEY GAS TRANSMISS
8118164	29422	4202531137	102	POGUE #1	PAWNEE S (WILCOX)	0.0	UNITED GAS PIPELINE
8118108	25313	4228531281	102	STOVALL D #1	SOUTHWEST SPEAKS (3010)	90.0	TEXAS EASTERN TRANSM
-U S OPERATING INC				RECEIVED: 02/19/81 JA: TX			
8118157	29285	4228730742	102	DONNA NO 1	GIDDINGS (AUSTIN CHALK G	0.0	PGP GAS PRODUCTS INC
-UNION EXPLORATION				RECEIVED: 02/19/81 JA: TX			
8118179	29615	4205932719	102	ROGERS B #1 (90130)	LYNDI (DUFFER)	0.0	LONE STAR GAS CO
8118178	29614	4205932794	102	ROGERS B #2 (90131)	LYNDI (DUFFER)	0.0	LONE STAR GAS CO
-UNION OIL COMPANY OF CALIF				RECEIVED: 02/19/81 JA: TX			
8118139	28879	4200332277	103	DOLLARHIDE UNIT #13-5-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLINE
*8118158	29347	4200332284	103	DOLLARHIDE UNIT #15-3-C	DOLLARHIDE (CLEAR FORK)	25.0	DOLLARHIDE GASOLINE
*8118142	28935	4200332275	103	DOLLARHIDE UNIT #7-2-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLINE
*8118140	28880	4200332276	103	DOLLARHIDE UNIT #8-4-C	DOLLARHIDE (CLEARFORK)	6.0	DOLLARHIDE GASOLINE
-W & W OIL CO				RECEIVED: 02/19/81 JA: TX			
8118111	26002	4216500000	103	MCCONAL CLARK #3	CARM ANN (SAN ANDRES)	0.0	PHILLIPS PETROLEUM C
-W R EDWARDS JR				RECEIVED: 02/19/81 JA: TX			
8118259	30248	4223330877	103	LITTLE RASCALS #30	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
8118235	30162	4210332317	103	P J LEA ET AL NO 109	LEA (TUBB)	0.0	EL PASO NATURAL GAS
8118236	30163	4210332318	103	P J LEA ET AL NO 110	LEA (TUBB)	0.0	EL PASO NATURAL GAS
8118237	30164	4210332319	103	T C BARNSLEY ET AL NO 5	LEA (SAN ANDRES)	0.0	EL PASO NATURAL GAS
8118238	30165	4210332320	103	T C BARNSLEY ET AL NO 6	LEA (SAN ANDRES)	0.0	EL PASO NATURAL GAS
-WAY AND MILLS				RECEIVED: 02/19/81 JA: TX			
8118260	30300	4238331628	103	UNIVERSITY 48-15 #2	BLOCK 49 (2450)	1.0	NORTHERN NATURAL GAS
-WILBROOK EXPLORATION INC				RECEIVED: 02/19/81 JA: TX			
8118186	29735	4213332449	103	PARSLEY #1 (16341)	MANGUM NORTH (3200)	91.0	ODESSA NATURAL CORP
8118187	29736	4213332450	103	WOOLLEY #1 (16449)	MANGUM NORTH (3200)	90.0	ODESSA NATURAL CORP

JD #1	JA DK3	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-ZEPHYR OIL CO				RECEIVED: 02/19/81 JA: TX			
8118080	22403	4240100000	108	HUDSON #1 (RRC #16144)	HENDERSON (RUSK CO TRAVI	1.5	UNITED GAS PIPE LINE
8118079	22401	4240100000	108	PITNER #1-T (RRC #16145)	HENDERSON (RUSK COUNTY T	1.2	UNITED GAS PIPE LINE

OTHER PURCHASERS VOLUME NO 1381

8118065	E I DUPONT DE NEMOURS & CO INC
8118066	E I DUPONT DE NEMOURS & CO INC
8118067	E I DUPONT DE NEMOURS & CO INC
8118068	E I DUPONT DE NEMOURS & CO INC
8118069	E I DUPONT DE NEMOURS & CO INC
8118070	E I DUPONT DE NEMOURS & CO INC
8118071	E I DUPONT DE NEMOURS & CO INC
8118072	E I DUPONT DE NEMOURS & CO INC
8118074	PANHANDLE EASTERN P L CO
8118113	ACME BRICK COMPANY
8118140	EL PASO NATURAL GAS CO
8118142	EL PASO NATURAL GAS CO
8118143	PIONEER NATURAL GAS CO
8118144	CENTRAL POWER & LIGHT CO
8118158	EL PASO NATURAL GAS CO
8118181	INTRATEX GAS CO
8118205	AMOCO
8118206	AMOCO
8118231	AMOCO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8196 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS						
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 02/17/81 JA: KY				
8117673	501469	1612713577 106	BECKHAM HUGHES 809667	KENTUCKY AREA A	9.4	COLUMBIA GAS TRANS C
8117684	501447	1615933158 103	FED GAS OIL & COAL CO 820461	KENTUCKY AREA C	63.0	COLUMBIA GAS TRANS C
8117676	501472	1619530289 106	GEORGE STEPP HEIRS 820303	KENTUCKY AREA C	4.0	COLUMBIA GAS TRANS C
8117677	501473	1615929926 106	HAZEL HARMON ETAL 820302	KENTUCKY AREA C	6.5	COLUMBIA GAS TRANS C
8117675	501471	1619529647 106	J S CLINE JR NO 9 820234	KENTUCKY AREA C	12.0	COLUMBIA GAS TRANS C
8117693	501450	1619533039 103	J S CLINE 820534	KENTUCKY AREA C	7.2	COLUMBIA GAS TRANS C
8117670	501466	1607125264 106	JOE T HARRIS ET UX 809608	KENTUCKY AREA B	11.0	COLUMBIA GAS TRANS C
8117671	501467	1619527922 106	KENTLAND C & C CO NO 237 820020	KENTUCKY AREA C	9.8	COLUMBIA GAS TRANS C
8117667	501477	1619531005 106	KENTLAND C & C CO NO 241 820333	KENTUCKY AREA C	16.0	COLUMBIA GAS TRANS C
8117674	501470	1619528421 106	KENTLAND C&C CO NO 233 820019	KENTUCKY AREA C	10.8	COLUMBIA GAS TRANS C
8117675	501474	1619529080 106	KENTLAND C&C CO NO 240 820247	KENTUCKY AREA C	11.5	COLUMBIA GAS TRANS C
8117672	501468	1619526759 106	KENTLAND C&C CO 809768	KENTUCKY AREA C	15.8	COLUMBIA GAS TRANS C
8117679	501475	1619526659 106	KENTLAND C&C CO 809792	KENTUCKY AREA C	16.2	COLUMBIA GAS TRANS C
8117682	501445	1619531968 103	KENTLAND C&C NO 248 820457	KENTUCKY AREA C	33.0	COLUMBIA GAS TRANS C
8117666	501481	1619531967 103	KENTLAND C&C NO 244 820458	KENTUCKY AREA C	32.0	COLUMBIA GAS TRANS C
8117690	501453	1619532345 103	KENTLAND CO NO 246 820454	KENTUCKY AREA C	30.0	COLUMBIA GAS TRANS C
8117691	501454	1619532450 103	KENTLAND CO NO 247 820455	KENTUCKY AREA C	11.0	COLUMBIA GAS TRANS C
8117665	501480	1619533037 103	KENTLAND CO 820376	KENTUCKY AREA C	31.0	COLUMBIA GAS TRANSMI
8117692	501455	1619533143 103	KENTLAND CO 820377	KENTUCKY AREA C	31.0	COLUMBIA GAS TRANS C
8117689	501452	1619530652 103	KENTLAND CO 820399	KENTUCKY AREA C	32.0	COLUMBIA GAS TRANS C
8117686	501451	1619533526 103	KENTLAND CO 820547	KENTUCKY AREA C	52.0	COLUMBIA GAS TRANS C
8117694	501457	1619534409 103	KENTLAND CO 820549	KENTUCKY AREA C	42.0	COLUMBIA GAS TRANS C
8117680	501443	1619533038 103	KENTLAND CO 820550	KENTUCKY AREA C	34.0	COLUMBIA GAS TRANS C
8117664	501479	1619533159 103	KENTLAND CO 820595	KENTUCKY AREA C	24.0	COLUMBIA GAS TRANSMI
8117700	501463	1619536066 103	KENTLAND CO 820689	KENTUCKY AREA C	80.0	COLUMBIA GAS TRANS C
8117685	501448	1619533267 103	KENTLAND COMPANY 820375	KENTUCKY AREA C	42.0	COLUMBIA GAS TRANS C
8117663	501478	1619532771 103	LAURA CHARLES NO 1 820453	KENTUCKY AREA C	54.0	COLUMBIA GAS TRANSMI
8117688	501470	1619532291 103	LAWRENCE STILTNER 820459	KENTUCKY AREA C	33.0	COLUMBIA GAS TRANS C
8117699	501462	1615933602 103	POCAHONTAS KENTUCKY 820371	KENTUCKY FIELD AREA C	33.0	COLUMBIA GAS TRANS C
8117687	501450	1615933603 103	POCAHONTAS KENTUCKY 820372	KENTUCKY AREA C	45.0	COLUMBIA GAS TRANS C
8117696	501461	1615933448 103	POCAHONTAS KENTUCKY 820463	KENTUCKY AREA C	47.0	COLUMBIA GAS TRANS C
8117695	501458	1619533765 103	POCAHONTAS KENTUCKY 820585	KENTUCKY AREA C	84.0	COLUMBIA GAS TRANS C
8117683	501440	1615933449 103	POCAHONTAS KENTUCKY 820586	KENTUCKY AREA C	26.0	COLUMBIA GAS TRANS C
8117701	501464	1615932581 103	POCAHONTAS LAND CO 820460	KENTUCKY AREA C	24.0	COLUMBIA GAS TRANS C
8117681	501444	1615932635 103	POCAHONTAS LAND 820456	KENTUCKY AREA C	69.0	COLUMBIA GAS TRANS C
8117680	501449	1611536641 103	RUTH FERGUSON 820099	KENTUCKY AREA A	32.0	COLUMBIA GAS TRANS C
8117696	501459	1612733255 103	T W FIEGER ETAL 820584	KENTUCKY AREA A	10.5	COLUMBIA GAS TRANS C
8117669	501465	1615931020 106	TCO MINERAL TRACT 820336	KENTUCKY AREA C	16.2	COLUMBIA GAS TRANS C
8117697	501460	1619534779 103	W M FULLER ETAL 820688	KENTUCKY AREA C	252.0	COLUMBIA GAS TRANS C
-GREEN RIVER GAS CO INC		RECEIVED: 02/17/81 JA: KY				

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117657	501501	1617729069	108	LELAND PRYOR #1	BEVIER FIELD	5.5	WESTERN KY GAS CO
8117656	501502	1604723884	108	ORA WILSON #1	APEX - FRUITHILL	7.7	WESTERN KY GAS CO IN
8117659	501503	1617728637	108	KAY JACKSON #1	BEVIER FIELD	18.0	WESTERN KY GAS CO IN
-JIMMY HAMILTON GAS & OIL				RECEIVED: 02/17/81 JA: KY			
8117662	501440	1613100000	103	BOONE VERNON HEIRS 121		12.0	KENTUCKY WEST VIRGIN
8117655	501504	1613131073	103	BOONE VERNON 139		12.0	KENTUCKY WEST VIRGIN
8117704	501442	1613100000	103	DILLARD DAY ETAL 125		0.0	KENTUCKY WEST VIRGIN
8117703	501441	1613100000	103	FLOYD WELLS 135		0.0	KENTUCKY WEST VIRGIN
8117650	501505	1619336297	103	FRANK CAMPBELL 148		12.0	COLUMBIA GAS TRANSMI

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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

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-INTERNORTH INC				RECEIVED: 02/17/81 JA: NM			
8117732		3001523038	103	STATE LG 4216 #1	N TURKEY TRACK MORROW	29.0	INTERNORTH INC
-KENTUCKY OHIO GAS COMPANY				RECEIVED: 02/17/81 JA: KY			
8117641	501527	1607100000	108	CARA HAYES #2 SER F-5	BIG SANDY FIELD	2.0	KENTUCKY WEST VIRGIN
8117637	501523	1607100000	108	DAN PRATER #1 SER F-10	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117638	501524	1607100000	108	DAN PRATER #1 SER F-9	BIG SANDY FIELD	2.3	KENTUCKY WEST VIRGIN
8117635	501521	1607100000	108	DAN PRATER #2 SER F-24	BIG SANDY FIELD	4.8	KENTUCKY WEST VIRGIN
8117640	501526	1607100000	108	F P HAYES #1 SER F-6/A	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117639	501525	1607100000	108	F P HAYES #2 SER F-6/B	BIG SANDY FIELD	2.4	KENTUCKY WEST VIRGIN
8117634	501520	1607100000	108	J W PRATER #1 SER F-26	BIG SANDY FIELD	6.6	KENTUCKY WEST VIRGIN
8117633	501519	1607100000	108	JACK ADKINS #1 SER F-27	BIG SANDY FIELD	1.7	KENTUCKY WEST VIRGIN
8117636	501522	1607100000	108	JOE PRATER #1 SER F-11	BIG SANDY FIELD	1.8	KENTUCKY WEST VIRGIN
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED: 02/17/81 JA: KY			
8117649	501509	1611931044	108	CHARLES W MADDEN - NO 1638	KENTUCKY EAST	10.9	KENTUCKY WEST VIRGIN
8117651	501511	1619532089	108	H G CHARLES - NO 7255	KENTUCKY EAST	6.6	KENTUCKY WEST VA GAS
8117650	501510	1619332402	108	KENTUCKY UNION & J HORN - #1659	KENTUCKY EAST	9.5	KENTUCKY WEST VIRGIN
8117648	501518	1619532812	103	1668 - BLAIR FORK COAL COMPANY	KENTUCKY EAST	19.4	KENTUCKY WEST VA GAS
8117645	501515	1619533695	103	1690-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117642	501512	1619533790	103	1691-ROBERT WILLIAMS	KENTUCKY EAST	12.3	KENTUCKY WEST VA GAS
8117647	501517	1619534404	103	1699-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117652	501507	1619534277	103	1700-ROBERT WILLIAMS	KENTUCKY EAST	85.0	KENTUCKY WEST VIRGIN
8117643	501513	1619534718	103	1711 - D M STEWART	KENTUCKY EAST	221.5	KENTUCKY WEST VA GAS
8117646	501516	1619534845	103	1712-BLAIR FORK COAL CO	KENTUCKY EAST	8.8	KENTUCKY WEST VA GAS
8117653	501508	1611934759	103	1713 - THE ARIO CORPORATION	KENTUCKY EAST	12.3	KENTUCKY WEST VIRGIN
8117644	501514	1611933447	103	7286-GABRIEL HUDSON	KENTUCKY EAST	17.4	KENTUCKY WEST VA GAS
-OILFIELD RESEARCH INC				RECEIVED: 02/17/81 JA: KY			
8117654	501506	1614936554	103	J C HAMMOCK NO 1	SACRAMENTO EAST	75.0	ORBIT GAS CO
-RAY RESOURCES CORP				RECEIVED: 02/17/81 JA: KY			
8117662	501500	1613334671	103	KY RIVER #134		100.0	COLUMBIA GAS TRANS
8117661	501499	1619334673	103	KY RIVER #163		6.7	COLUMBIA GAS TRANS
8117660	501498	1619334674	103	KY RIVER #164		10.0	COLUMBIA GAS TRANS
-THE WISER OIL COMPANY				RECEIVED: 02/17/81 JA: KY			
8117630	501533	1605100000	108	A DAVIDSON #1	CLAY COUNTY FIELD	6.8	WISER OIL CO
8117632	501535	1605100000	108	BEGLEY COAL CO #1	CLAY COUNTY FIELD	3.1	WISER OIL CO
8117631	501534	1605100000	108	BEGLEY COAL CO #2	CLAY COUNTY FIELD	3.1	WISER OIL CO
8117623	501545	1619334026	103	CAMPBELL-PRATT COMMUNITY	LITTLE LEATHERWOOD	11.0	KENTUCKY WEST VIRGIN
8117614	501536	1619333772	103	CARR PRATT COMM NO 1	LITTLE LEATHERWOOD	11.0	KENTUCKY WEST VIRGIN
8117628	501531	1605100000	108	D DAVIDSON #1 (RED BIRD)	CLAY COUNTY FIELD	8.3	WISER OIL CO
8117624	501546	1613132418	103	DIXON 15	HYDEN WEST	30.0	
8117618	501540	1619334130	103	DR L WHITAKER KY W VA 1	LITTLE LEATHERWOOD	0.0	KENTUCKY WEST VIRGIN

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117617	501539	1619334370	103	DR L WHITAKER 2	LITTLE LEATHERWOOD	12.0	KENTUCKY WEST VIRGIN
8117619	501541	1613134936	103	FANNIE TURNER #1		30.0	KENTUCKY WEST VIRGIN
8117622	501544	1613131976	103	FARMER COUCH 1	HYDEN WEST	100.0	
8117626	501529	1605100000	108	FORDSON COAL #1 (LITTLE BULLSKIN)	CLAY COUNTY FIELD	0.0	WISER OIL CO
8117629	501532	1605100000	108	JEFF BAKER #1	CLAY COUNTY FIELD	8.5	WISER OIL CO
8117627	501530	1605100000	108	PALLOS BOWLING #1 (RED BIRD)	CLAY COUNTY FIELD	13.3	WISER OIL CO
8117615	501537	1619335080	103	PRATT RIDDLE COMM 1	LITTLE LEATHERWOOD	0.0	KENTUCKY WEST VIRGIN
8117616	501538	1619336130	103	SARA CAMPBELL 1	LITTLE LEATHERWOOD	12.0	KENTUCKY WEST VIRGIN
8117620	501542	1613132311	103	USA - C A DIXON 2	HYDEN WEST	30.0	
8117621	501543	1613132169	103	USA-C A DIXON 1	HYDEN WEST	50.0	
8117625	501528	1605100000	108	W J CHESBROUGH #1	CLAY COUNTY FIELD	0.0	WISER OIL CO
-AMOCO PRODUCTION CO				RECEIVED: 02/17/81 JA: NM			
8117739		3001522452	102	PARDUE FARMS GAS COM 001	WILDCAT - STRAWN	0.0	EL PASO NATURAL GAS
-CITIES SERVICE COMPANY				RECEIVED: 02/17/81 JA: NM			
8117731		3002511164	108	THOMAS #2	JALMAT TANSILL YATES 7 R	0.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/17/81 JA: NM			
8117741		3003922661	108	LINDRITH UNIT #97	BLANCO SOUTH-PICTURED CL	2.0	EL PASO NATURAL GAS
8117740		3002500000	106	SHELL STATE #2	JALMAT YATES	27.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117734		3003922367	103	FARMING E NO 1E	OTERO GALLUP	7.2	EL PASO NATURAL GAS
8117735		3003922367	103	FARMING E NO 1E	BASIN DAKOTA	72.0	EL PASO NATURAL GAS
-HARVEY E YATES COMPANY				RECEIVED: 02/17/81 JA: NM			
8117737		3001523278	102	TRAVIS 13 STATE #1	TRAVIS UPPER PENN	100.0	
-HNG OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117736		3002526949	102	SAN SIMON 6 STATE COM #1 (LG893)	WOLFCAMP	30.7	TEXACO
-MARATHON OIL COMPANY				RECEIVED: 02/17/81 JA: NM			
8117733		3002525568	103	LOU WORTHAN NO 18	TUBB	50.0	NORTHERN NATURAL GAS
-MESA PETROLEUM				RECEIVED: 02/17/81 JA: NM			
8117738		3000566670	102	WHITE STATE #1	DIAMOND MOUND MORROW	70.0	NORTHERN NATURAL GAS

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WEST VIRGINIA DEPARTMENT OF MINES

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-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 02/17/81 JA: WV			
8117591		4703301112	103	A- 676	UNION DISTRICT	0.0	CONSOLIDATED GAS SUP
8117599		4703301106	103	A-672	SARDIS DISTRICT	0.0	CONSOLIDATED GAS SUP
8117601		4704102183	103	A-744	SKIN CREEK DISTRICT	0.0	CONSOLIDATED GAS SUP
8117598		4706100599	103	A-834	CLINTON DISTRICT	0.0	CONSOLIDATED GAS SUP
8117597		4706300318	103	A-896	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 02/17/81 JA: WV			
8117594		4708100482	103	BEAVER COAL CO A-18	TOWN	35.0	COLUMBIA GAS TRANSMI
8117593		4708100495	103	BEAVER COAL CO A-35	TOWN	30.0	COLUMBIA GAS TRANSMI
8117595		4708100472	103	BEAVER COAL CO LTD A-22	TOWN	40.0	COLUMBIA GAS TRANSMI
8117596		4703903575	103	JOHN KOGOY #1	JEFFERSON	29.0	
8117604		4708100527	102	NEW RIVER #18	TOWN	35.0	CABOT CORP
-ASHLAND EXPLORATION INC				RECEIVED: 02/17/81 JA: WV			
8117583		4704500955	103	PARDEE LAND CO #60 - 078311	LOGAN - WYOMING	0.0	CONSOLIDATED GAS SUP
8117584		4704501035	103	PARDEE LAND CO #66 - 085231	LOGAN - WYOMING	0.0	CONSOLIDATED GAS SUP
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/81 JA: WV			
*8117581		4700121057	108	W SHAHAN #1	VALLEY	14.0	BROOKLYN UNION GAS
-CHASE PETROLEUM				RECEIVED: 02/17/81 JA: WV			
8117713		4708504403	102	HUDKINS #1	UNION DISTRICT	121.5	
8117714		4708504431	102	HUDKINS #2	UNION	169.2	

JD NO	JA JK1	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117728		4706504432	102	HUDKINS #3	UNION DISTRICT	109.8	
8117718		4701702525	102	PRINZ #1	CENTRAL DISTRICT	432.0	
8117729		4701702558	102	T V SMITH #2	CENTRAL DISTRICT	360.0	
8117730		4701702559	102	T V SMITH #4	CENTRAL DISTRICT	342.0	
-D C MALCOLM INC				RECEIVED: 02/17/81 JA: WV			
8117605		4707900947	103	H A THOMAS #1	ST ALBANS - BURDETTE	0.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC				RECEIVED: 02/17/81 JA: WV			
8117592		4703322063	103	JOHN MCDONALD #1 94 8A K-L-218	CLAY	20.0	CONSOLIDATED GAS SUP
8117600		4703322006	103	REBECCA MASON K-L-220	EAGLE DIST	30.0	CONSOLIDATED GAS SUP
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 02/17/81 JA: WV			
8117711		4701702708	103	EA #1 C G NICHOLSON	STANDING STONE RUN	20.0	COLUMBIA GAS TRANSMI
8117705		4701702724	103	R SUTTON #3	SNAKE RUN	25.0	COLUMBIA GAS TRANSMI
-GENE STALNAKER				RECEIVED: 02/17/81 JA: WV			
8117580		4704102874	103	CONNELL 8-42-2	ROBERT CONNELL	21.6	CONSOLIDATED GAS SUP
8117573		4704102875	103	MCQUAIN 8-44-2	STARK MCQUAIN	21.7	CONSOLIDATED GAS SUP
8117579		4704102876	103	MCQUAIN 8-45-1	STARK MCQUAIN	21.5	CONSOLIDATED GAS SUP
8117574		4704102123	103	8-100	HACKERS CREEK	70.0	CONSOLIDATED GAS SUP
8117572		4701725370	103	J J - 6 #11	W UNION	0.0	CONSOLIDATED GAS SUP
8117712		4701702730	103	J-166	WEST UNION	200.0	COLUMBIA GAS TRANSMI
8117610		4702103618	103	J-253	TROY	200.0	CONSOLIDATED GAS SUP
8117577		4701725390	103	J-28	WEST UNION	150.0	CONSOLIDATED GAS SUP
8117576		4701702561	103	J-39	NEW MILTON	500.0	CONSOLIDATED GAS SUP
8117602		4701702571	103	J-51	NEW MILTON	200.0	CONSOLIDATED GAS SUP
8117603		4703302173	103	J-96	UNION	200.0	CONSOLIDATED GAS SUP
8117576		4701725380	103	JJ-6 #9	WEST UNION	150.0	CONSOLIDATED GAS SUP
-J F DEEM				RECEIVED: 02/17/81 JA: WV			
8117609		4706504795	103	HARTMAN #6	BURNT HOUSE	15.0	CONSOLIDATED GAS SUP
-MERT DEVELOPMENT INC				RECEIVED: 02/17/81 JA: WV			
8117706		4700101289	103	FITZWATER #1	BARKER DISTRICT	0.0	COLUMBIA GAS TRANS C
8117707		4700101304	103	FITZWATER #2	BARKER DISTRICT	0.0	COLUMBIA GAS TRANS C
8117708		4700701441	103	LLOYD #1	OTTER DISTRICT	427.1	COLUMBIA GAS TRANS C
8117710		4701702569	103	TRAVIS #1	WEST UNION DISTRICT	249.0	CONSOLIDATED GAS SUP
8117709		4700701442	103	YEOLOSKY #1	OTTER DISTRICT	1.6	COLUMBIA GAS TRANS C
-NRM PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: WV			
8117585		4709702026	103	FANELLY #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117589		4701702557	103	FURBEE #1	MEATHOUSE FORK	7.0	CONSOLIDATED GAS SUP
8117586		4709702024	103	NEELEY #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117588		4709702048	103	PREISSE #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8117587		4709701928	103	SHOMO #2-A	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-R & B PETROLEUM INC				RECEIVED: 02/17/81 JA: WV			
8117722		4700101063	103	DURRETT #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117719		4700101071	103	DURRETT #3	VALLEY	10.8	PARTNERSHIP PROPERTI
8117721		4700101069	103	DURRETT #4	VALLEY	10.8	PARTNERSHIP PROPERTI
8117727		4700101158	103	DURRETT #6	VALLEY	10.8	PARTNERSHIP PROPERTI
8117720		4700101079	103	GLENDENNING #1 (ZIRKLE)	VALLEY	10.8	PARTNERSHIP PROPERTI
8117724		4700101111	103	HYMES #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117613		4708300207	103	MOSS #1	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117612		4708300234	103	MOSS #2	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117611		4708300266	103	R HATHAWAY #1	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117715		4700100933	103	REGESTER #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117716		4700101033	103	REGESTER #2	VALLEY	10.8	PARTNERSHIP PROPERTI
8117717		4700101058	103	REGESTER #4	VALLEY	10.8	PARTNERSHIP PROPERTI

JD NO	JA/DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8117725		4700101112	103	RICOTTILLI #1	VALLEY	10.8	PARTNERSHIP PROPERTI
8117726		4700101146	103	RICOTTILLI #2	VALLEY	10.8	PARTNERSHIP PROPERTI
8117608		4708300269	103	SKIDMORE #2	ROARING CREEK	10.8	PARTNERSHIP PROPERTI
8117723		4700101105	103	TURNER #1	VALLEY	10.8	PARTNERSHIP PROPERTI
-SANTA FE DRILLING CO INC				RECEIVED: 02/17/81 JA: WV			
8117606		4708504361	103	SIMMONS NO #1	SLAB CREEK - UNION DISTR	27.0	COLUMBIA GAS TRANSMI
-THE CARTER JONES LUMBER CO				RECEIVED: 02/17/81 JA: WV			
8117575		4709500793	103	RAYMOND HEINTZMAN #1	PADEN CITY	15.0	
-TIPCO				RECEIVED: 02/17/81 JA: WV			
8117582		4700701421	103	BUDDY PRINCE ET AL #1	SALT LICK	65.0	COLUMBIA GAS TRANS C
8117590		4706700526	103	FEDERAL COAL #30	JEFFERSON	73.0	CABOT CORP
-W J LYDIC INC				RECEIVED: 02/17/81 JA: WV			
8117607		4709500756	103	KELLY #1		16.0	COLUMBIA GAS TRANSMI

OTHER PURCHASERS VOLUME NO 0378

8117581 CONSOLIDATED GAS SUPPLY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8193 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA ANT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-COASTAL OIL & GAS CORP			RECEIVED: 02/13/81 JA: CA			
8117828	81-3-1	0406321336 103	GPE-ORCUTT NORTH NU 1	SANTA MARIA VALLEY	68.0	UNION OIL CO OF CALI
INDIANA DEPARTMENT OF NATURAL RESOURCES						
-KIEFFER BROS OIL CO			RECEIVED: 02/20/81 JA: IN			
8117746		1305100000 102	KIEFFER - PUTNAM C-1	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117745		1305100000 102	KIEFFER - PUTNAM D-1	EAST MT CARMEL	36.5	CRYSTAL OIL CO
8117747		1305100000 102	KIEFFER-PUTNAM B-1	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117748		1305100000 102	KIEFFER-PUTNAM B-2	EAST MT CARMEL	24.0	CRYSTAL OIL CO
8117749		1305100000 102	KIEFFER-PUTNAM C-2	EAST MT CARMEL	24.0	CRYSTAL OIL CO
KANSAS CORPORATION COMMISSION						
-ALBERT A THORNBROUGH			RECEIVED: 02/17/81 JA: KS			
8117832	A-80-0653	1507500000 108	MCDONALD #1 13-25S-39W	HUGOTON	12.0	COLORADO INTERSTATE
NORTH DAKOTA GEOLOGICAL SURVEY						
-AMERADA HESS CORPORATION			RECEIVED: 02/12/81 JA: ND			
8117742	293	3310500796 103	OOLAND 41-24 (BEAVER LODGE)	BEAVER LODGE	2.0	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE			RECEIVED: 02/12/81 JA: ND			
*8117744	291	3300700600 102	EVONIUK B #1	TREETOP	47.0	KOCH HYDROCARBON CO
*8117743	290	3300700362 102	RODAKOWSKI B #1	TREETOP	171.0	KOCH HYDROCARBON CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-EL PASO NATURAL GAS COMPANY			RECEIVED: 02/17/81 JA: NM			
8117833		3004524408 103	TEXAS PACIFIC COM #1R	AZTEC PICTURED CLIFFS	20.0	EL PASO NATURAL GAS
OKLAHOMA CORPORATION COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 02/17/81 JA: OK			
8117812	01976	3505920703 103	HIERONYMUS UNIT F #2	LAVERNE	226.0	MICHIGAN WISCONSIN P
-AN-SON CORPORATION			RECEIVED: 02/17/81 JA: OK			
8117795	07353	3501702088 103	BRODERSEN #1-20	N CONCHO	11.3	PHILLIPS PETROLEUM C
8117769	07271	3507321430 108	CUNNINGHAM #1	SOONER TREND	14.3	TRANSOK PIPE LINE CO
8117805	07318	3507321424 106	ESTHER #1	SOONER TREND	8.8	TRANSOK PIPE LINE CO
8117804	07319	3501120727 108	HAIGLER B#1	S W CARLETON	7.0	SUN GAS CO
8117822	07316	3507321525 106	NADINE A#1	SOONER TREND	5.0	TRANSOK PIPE LINE CO
8117809	07550	3501520903 102	TROY #1	WATONGA CHICKASHA	803.0	DELHI GAS PIPE LINE

JD NO	JA DKT	API NO	SEC T WELL NAME		
-ANDOVER OIL COMPANY			RECEIVED: 02/17/81	JA: OK	
8117794	07349	3509321808	103 STURGEON #15-1		
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/17/81	JA: OK	
8117775	7350	3504500000	108 R W LITTLE #4		
-B & H EXPLORATION CO			RECEIVED: 02/17/81	JA: OK	
8117763	06881	3513120714	103 STATE-VAN PELT #1		
-BEASLEY OIL CO			RECEIVED: 02/17/81	JA: OK	
8117801	07385	3504722191	102 #1 ZALOUDEK		
-BLAIK OIL COMPANY			RECEIVED: 02/17/81	JA: OK	
8117750	7345	3500720488	108 CHALOUPEK #1		
8117765	07269	3500320315	108 DUBBS UNIT #1		
8117777	07346	3504720525	106 IVEN A-1		
8117771	07270	3500300000	106 LLOYD #1		
8117773	07266	3513920479	108 WIGGINS #1		
-BOGERT OIL CO			RECEIVED: 02/17/81	JA: OK	
8117803	07348	3508321365	103 JENNY 1-25		
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 02/17/81	JA: OK	
8117759	07187	3500300000	108 IVA L WOODS NO 1		
-CHASE EXPLORATION CORP			RECEIVED: 02/17/81	JA: OK	
8117788	07300	3507120969	103 BROWN #1-21		
8117790	07301	3507121160	103 COFFEE #1-1		
8117791	07302	3507121230	103 COFFEE #2-1		
8117792	07303	3507121603	103 HAHN #2-14		
8117795	07304	3507121896	103 KAHLE #2-10		
8117789	07298	3507120880	103 RIGDON #1-21		
-CHEYENNE PETROLEUM COMPANY			RECEIVED: 02/17/81	JA: OK	
8117808	07392	3512120702	102 STATE #1-35		
-DALCO PETROLEUM INC			RECEIVED: 02/17/81	JA: OK	
8117816	06371	3507322399	103 RUSSELL #1		
8117815	06370	3507322400	103 SENN #1		
-DONALD C SLAWSON			RECEIVED: 02/17/81	JA: OK	
8117756	6982	3501721465	103 HUBBARD #1-5		
-ECC OIL CO			RECEIVED: 02/17/81	JA: OK	
8117754	7248	3514721276	103 TOMMY MORGAN #1		
-FALCON PETROLEUM COMPANY			RECEIVED: 02/17/81	JA: OK	
8117810	07570	3500721774	102 KIRTON NO 1		
-FERGUSON OIL & GAS COMPANY INC			RECEIVED: 02/17/81	JA: OK	
8117814	06260	3509321508	103 NIGHTINGALE NO 2		
8117813	06258	3509321649	103 NIGHTINGALE NO 3		
-GETTY OIL COMPANY			RECEIVED: 02/17/81	JA: OK	
*8117761	07261	3513722222	103 C A STEPHENS NO 8		
*8117772	06908	3513722216	103 DOMA SPEARS NO 10		
-GETTY RESERVE OIL INC			RECEIVED: 02/17/81	JA: OK	
8117760	07196	3508120880	103 YOUNGKER NO 12-1		
-GREAT SOUTHERN ENTERPRISES INC			RECEIVED: 02/17/81	JA: OK	
*8117774	07267	3514721581	103 MADRON A5		
-HARPER OIL COMPANY			RECEIVED: 02/17/81	JA: OK	
*8117797	07261	3509321451	103 HADWIGER #1		
8117816	07260	3504721592	103 KEILBARTH #1		
8117819	07259	3508321377	103 KLINGAMAN #1		
-HESTON OIL CO			RECEIVED: 02/17/81	JA: OK	
8117766	07003	3506320725	103 GEORGE #7-1		

FIELD NAME	PROD	PURCHASER
	185.0	PANHANDLE EASTERN PI
MADILL	10.0	PIONEER GAS PRODUCTS
WEST TALALA	20.0	DIAMOND S GAS SYSTEM
NORTH ENID	200.0	ARKANSAS LOUISIANA G
NORTH ELMWOOD	14.0	PHILLIPS PETROLEUM C
SOONER TREND	22.0	PIONEER GAS PRODUCTS
SOONER TREND	8.0	PHILLIPS PETROLEUM C
SOONER TREND	15.0	UNION TEXAS PETROLEU
SOUTH GUYMON	17.0	CITIES SERVICE GAS C
SOONER TREND	20.0	EASON OIL CO
E CHANEY DELL	3.0	CHAMPLIN PETROLEUM C
	2.6	CITIES SERVICE GAS C
	1.8	CITIES SERVICE GAS C
	8.2	CITIES SERVICE GAS C
	7.5	CITIES SERVICE GAS C
	2.9	CITIES SERVICE GAS C
	4.6	CITIES SERVICE GAS C
S E SCIPIO	100.0	ARKANSAS LOUISIANA G
SOONER TREND	91.3	DALCO PETROLEUM US L
SOONER TREND	91.3	DALCO PETROLEUM US L
WATONGA TREND	300.0	CITIES SERVICE GAS C
OGLESBY GAS FIELD	23.5	OKAN GAS CO
WILDCAT (NW DOMBEY)	100.0	PANHANDLE EASTERN PI
FAIRVIEW	40.0	PHILLIPS PETROLEUM C
FAIRVIEW	180.0	PHILLIPS PETROLEUM C
SHO-VEL-TUM	750.0	OKLAHOMA NATURAL GAS
SHO-VEL-TUM	37.0	OKLAHOMA NATURAL GAS
PRAIRIE GEM	200.0	SUN GAS CO
MADRON LEASE	0.0	KANOKLA ENERGY CORP
RINGWOOD	220.0	UNION TEXAS PETROLEU
NE ENID	29.0	TRANSOK PIPE LINE CO
SW ORLANDO	10.0	EASON OIL CO
E HORNTON	66.0	WELLHEAD ENTERPRISES

JO NO	JA DAT	API NO	SEC	WELL NAME		
-JI CO EXPLORATION INC				RECEIVED: 02/17/81 JA: OK		
8117823	07312	3509321790	103	JICO GRAHAM #1		
-K S OIL CO				RECEIVED: 02/17/81 JA: OK		
8117751	7279	3502760000	103	HARRIS #1		
-LADD PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: OK		
8117824	07309	3501720771	103	MONNET #1		
8117825	07308	3501720624	103	MONNET #2		
-LEBEN OIL CORP				RECEIVED: 02/17/81 JA: OK		
8117821	07237	3512120094	106	HENRY 1-5		
8117753	07234	3507720086	106	PARSONS 1-17		
-LENHART & BENNETT INC				RECEIVED: 02/17/81 JA: OK		
8117781	07376	3507121986	103	ROSA GARTNER #10-3		
8117763	07375	3507121986	103	ROSA GARTNER #2-4		
-MULTISTATE OIL PROPERTIES NV				RECEIVED: 02/17/81 JA: OK		
8117807	07372	3515120912	103	TOM SCHROEDER 1-4		
-NIXON-DAVIS ENERGY CO INC				RECEIVED: 02/17/81 JA: OK		
8117799	07135	3508321299	103	BLEVINS #1		
8117800	07134	3508300000	103	LINDSAY #1		
8117798	07136	3508321338	103	MESSENGER #1		
-NOVA ENERGY CORPORATION				RECEIVED: 02/17/81 JA: OK		
8117811	10224	3512920520	107	ERWIN #1-4		
-ONG EXPLORATION INC				RECEIVED: 02/17/81 JA: OK		
8117780	07291	3509321717	103	ECK UNIT NO 2		
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/17/81 JA: OK		
8117820	07305	3501721567	103	BURNS A #1		
8117827	07306	3501721447	103	HUFNAGEL A #1		
8117755	07286	3502500000	106	WELLS #1		
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED: 02/17/81 JA: OK		
8117787	07295	3501721389	103	GUTIERREZ NO 1-17		
8117762	07294	3501721385	103	TURNER NO 1-9		
-SCHICK OIL & GAS INC				RECEIVED: 02/17/81 JA: OK		
*8117780	07380	3509321974	103	J BROOMFIELD 12-1		
-SHAR-ALAN OIL CO				RECEIVED: 02/17/81 JA: OK		
8117752	07277	3509321861	103	H SUDERMAN #1		
8117760	07275	3509321882	103	MORAWSKI A-1		
8117767	07276	3509321875	103	MURAWSKI B-1		
8117770	07273	3509321869	103	OLGA MARTENS A-2		
8117770	07274	3509321848	103	OLGA MARTENS 1-8		
-STANTON PETROLEUM CO				RECEIVED: 02/17/81 JA: OK		
8117817	06941	3508100000	103	BROWN #1		
-STONE RIVER ENERGY CORP				RECEIVED: 02/17/81 JA: OK		
8117779	07381	3504700146	103	NORTH MACK #1		
8117778	07382	3504721765	103	SOUTH MACK #1		
-TENNECO OIL COMPANY				RECEIVED: 02/17/81 JA: OK		
8117784	07374	3501120426	108	DAVID BUCHANAN 1-20		
8117785	07373	3504321046	103	FRANS 1-9		
8117757	06546	3509321808	103	L HUNTON UNIT 2-4		
8117756	06545	3501922034	103	S GRAHAM DEESE UNIT 21A-2A		
-TEXAS OIL & GAS CORP				RECEIVED: 02/17/81 JA: OK		
8117762	07377	3512120706	103	CRABTREE A #1		
8117802	07370	3506120362	103	ROSS D #1		
8117806	07371	3506120364	103	ROYE #1		

FIELD NAME	PROD	PURCHASER
RINGWOOD	72.0	PIONEER GAS PRODUCTS
WEST NORMAN	360.0	SUN GAS CO
PIEDMONT CM	0.0	PHILLIPS PETROLEUM C
PIEDMONT CM	16.0	PHILLIPS PETROLEUM C
S E MCALISTER	11.0	ARKANSAS LOUISIANA G
RED OAK - NORRIS	11.0	ARKANSAS LOUISIANA G
EAST DILWORTH	50.0	CITIES SERVICE GAS C
EAST DILWORTH	50.0	CITIES SERVICE GAS C
EDITH NORTH	96.0	CITIES SERVICE GAS C
WEST MULHALL	80.0	EASON OIL CO
WEST MULHALL	140.0	EASON OIL CO
WEST MULHALL	110.0	EASON OIL CO
W REYDON	0.0	EL PASO NATURAL GAS
RINGWOOD	18.0	OKLAHOMA NATURAL GAS
N CONCHO	0.0	OKLAHOMA GAS & ELECT
N CONCHO	0.0	DELHI GAS PIPELINE C
S GRIGGS - MASSIVE LINE	18.0	TRANSWESTERN GAS PIP
SOUTH YUKON	270.0	PHILLIPS PETROLEUM C
SOUTH YUKON	234.0	PHILLIPS PETROLEUM C
RINGWOOD	36.0	OKLA NATURAL GAS GAT
N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
W FAIRVIEW	250.0	DELHI GAS PIPELINE C
N FAIRVIEW	175.0	PHILLIPS PETROLEUM C
EAST AGRA FIELD	12.0	COLORADO GAS GATH CO
SOONER TREND	120.0	UNION TEXAS PETROLEU
SOONER TREND	120.0	UNION TEXAS PETROLEU
OKEENE NW	10.0	PUBLIC SERVICE CO OF
NOBSCOT NW	666.0	DELHI GAS PIPELINE C
E CHEYENNE VALLEY	24.0	PHILLIPS PETROLEUM C
SHO-VEL-TUM	18.0	MOBIL OIL CORP
HARTSHORNE	986.0	DELHI GAS PIPELINE C
STIEGLER	48.0	
KINTA	96.0	

JD NO.	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 02/17/81 JA: OK			
8117626	07307	3501520749	103	ALBERT LEUS #1-3	N E VERDEN	9.4	PUBLIC SERVICE CO OF
-THE WIL-MC OIL CORP				RECEIVED: 02/17/81 JA: OK			
8117796	07357	3500320685	103	HENDERSON #1		50.0	AMINOIL USA INC
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 02/17/81 JA: OK			
8117764	06825	3501721525	103	JOSEPH 1-1	RICHLAND NORTHWEST	90.0	PHILLIPS PETROLEUM C
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
-DOME PETROLEUM CORP				RECEIVED: 02/17/81 JA: ND 5			
8117829	ND 694-D	3305300149	102	DOME FEDERAL 3-35	MON-DAK	7.5	SHELL OIL CO
-DAVIS OIL COMPANY				RECEIVED: 02/17/81 JA: WY 5			
8117830	W695-D	4903721480	102	TREASURE UNIT #1	WILDCAT	861.8	PANHANDLE EASTERN PI
-MARTIN EXPLORATION MGMT CORP				RECEIVED: 02/17/81 JA: WY 5			
8117831	W-693-D	4903721017	102	FEDERAL #1-18	WILDCAT	350.0	PANHANDLE EASTERN PI
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK							
-ANDOVER OIL COMPANY				RECEIVED: 02/17/81 JA: OK 8			
8117834		3511325076	103	ACOTT #7-2		21.9	TRANSOK PIPE LINE CO
8117835		3511325584	103	ACOTT #7-3		14.6	TRANSOK PIPE LINE CO
8117836		3511324546	103	MCCAIN #8-1		73.0	TRANSOK PIPE LINE CO
8117837		3511324688	103	MCCAIN #8-2		73.0	TRANSOK PIPE LINE CO
8117838		3511324882	103	MCCAIN #8-3		73.0	TRANSOK PIPE LINE CO
8117839		3511325057	103	MCCAIN #8-4		73.0	TRANSOK PIPE LINE CO
8117840		3511325715	103	MCCAIN #8-5A		73.0	TRANSOK PIPE LINE CO
8117841		3511300000	103	MCCAIN #8-6		73.0	TRANSOK PIPE LINE CO

OTHER PURCHASERS

8117743	WESTERN GAS PROCESSORS LTD
8117744	WESTERN GAS PROCESSORS LTD
8117761	LONE STAR GAS CO
8117772	LONE STAR GAS CO
8117774	CITIES SERVICE GAS COMPANY
8117780	PIONEER GAS PRODUCTS CO
8117797	OKLAHOMA GAS & ELECTRIC CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8194 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 12, 1981.

JD NO	JA DET	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-GETTY OIL COMPANY			RECEIVED: 02/19/81 JA: MS			
8118053	102-80-467	2306120100 107	MORGAN 9-14 NO 1	EAST MORGANTOWN	2630.0	TRANSCONTINENTAL GAS
-GULF OIL CORPORATION			RECEIVED: 02/18/81 JA: MS			
8118052	105-80-11	2306720203 103	W E DAVIS NO 11	BAXTERVILLE	3.5	UNITED GAS PIPE LINE
-PRUET PRODUCTION CO			RECEIVED: 02/18/81 JA: MS			
8118050	113-79-413	2306720015 102	LAWRENCE UNIT #7-7 NO 1	MAPLE BRANCH FIELD	36.0	TENNESSEE GAS PIPELI
8118050	113-79-413	2306720015 103	LAWRENCE UNIT #7-7 NO 1	MAPLE BRANCH FIELD	36.0	TENNESSEE GAS PIPELI
8118045	37-80-413	2309520280 102	LAWRENCE UNIT #8-3 NO 1	MAPLE BRANCH FIELD	119.0	TENNESSEE GAS PIPELI
8118045	37-80-413	2309520280 103	LAWRENCE UNIT #8-3 NO 1	MAPLE BRANCH FIELD	119.0	TENNESSEE GAS PIPELI
-SHELL OIL CO			RECEIVED: 02/18/81 JA: MS			
8118048	107-80-386	2312120066 107	STEVENS ET AL UNIT NO 1-R	S W PINEY WOODS	5000.0	
-SUPERIOR OIL CO			RECEIVED: 02/18/81 JA: MS			
8118046	217-80	2306520032 108	WILLIE DURR G G U 34 NO 2	GWINVILLE	12.0	SOUTHERN NATURAL GAS
-SYSTEM FUELS INC			RECEIVED: 02/18/81 JA: MS			
8118049	109-80-440	2306520153 107	D W FORTENBERRY 35-8 NO 2	OAKVALE FIELD	730.0	
8118047	110-80-9	2306520051 102	E MIKELL 24-10 NO 1	GRANGE FIELD	730.0	SYSTEM FUELS INC
-TOMLINSON INTERESTS INC			RECEIVED: 02/18/81 JA: MS			
8118051	100-80-420	2306520037 102	CHARLES W CAVANAUGH NO 1	HOLIDAY CREEK FIELD	109.5	MICHIGAN-WISCONSIS G
TEXAS RAILROAD COMMISSION						
-AMERADA HESS CORPORATION			RECEIVED: 02/17/81 JA: TX			
8117861	21612	4217300000 108	TEX HARVEY SPRABERRY UT #993	SPRABERRY TREND	0.0	
8117862	21614	4232900000 108	TEX-HARVEY SPRABERRY UT #594	SPRABERRY TREND	0.0	
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 02/17/81 JA: TX			
8117948	28103	4229530762 102	CNB #1	CNB (CLEVELAND) FIELD	37.0	DIAMOND SHAMROCK
-AMOCO PRODUCTION CO			RECEIVED: 02/17/81 JA: TX			
8117912	25655	4243531194 108	BERTHA T GLASSCOCK #1	ALDWELL RANCH/CANYON/	13.2	LONE STAR GAS CO
8117913	25656	4243531177 108	BERTHA T GLASSCOCK/B/#3	ALDWELL RANCH/CANYON/	16.3	LONE STAR GAS CO
8117931	27160	4234931150 102	DEE GARRETT LIVELY GU /A/ #1	CHENEYBORO SW/9585/	365.0	LONE STAR GAS CO
8117923	26750	4243531069 108	EDWIN S MAYER JR /D/#9	SAWYER/CANYON/	18.0	LONE STAR GAS CO
8117910	25643	4243530762 108	EDWIN S MAYER JR/G/#5	SAWYER/CANYON	18.7	LONE STAR GAS CO
8117911	25653	4243531305 108	EDWIN S MAYER JR/K/#2	SAWYER/CANYON	16.7	LONE STAR GAS CO
8117886	22748	4220330726 102	ELIZABETH T CRAWFORD GU #1	SCOTTSVILLE SW(PAGE)	310.0	EAST TEXAS INDUSTRIA
8117878	21728	4213532834 103	NORTH COWDEN UNIT #1013	COWDEN NORTH	13.8	PIONEER NATURAL GAS
8117879	21729	4213532815 103	NORTH COWDEN UNIT #1029	COWDEN NORTH	18.9	PIONEER NATURAL GAS
8117880	21730	4213532816 103	NORTH COWDEN UNIT #1030	COWDEN NORTH	8.0	PIONEER NATURAL GAS
8117881	21731	4213532814 103	NORTH COWDEN UNIT #1031	COWDEN NORTH	1.1	PIONEER NATURAL GAS
8117884	21629	4213532813 103	NORTH COWDEN UNIT #1033	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117873	21664	4213532811 103	NORTH COWDEN UNIT #1035	COWDEN NORTH	1.0	PIONEER NATURAL GAS

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117872	21668	4213532820	103	NORTH COWDEN UNIT #1041	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8117871	21659	4213532821	103	NORTH COWDEN UNIT #1042	COWDEN NORTH	2.2	PIONEER NATURAL GAS
8117800	21654	4213532830	103	NORTH COWDEN UNIT #1043	COWDEN NORTH	4.7	PIONEER NATURAL GAS
8117869	21657	4213532831	103	NORTH COWDEN UNIT #1045	COWDEN NORTH	21.5	PIONEER NATURAL GAS
8117866	21656	4200331590	103	NORTH COWDEN UNIT #1046	COWDEN NORTH	5.1	PIONEER NATURAL GAS
8117877	21727	4213533055	103	NORTH COWDEN UNIT #1048	COWDEN NORTH	14.9	PIONEER NATURAL GAS
8117876	21726	4213533057	103	NORTH COWDEN UNIT #1049	COWDEN NORTH	31.8	PIONEER NATURAL GAS
8117867	21655	4213533046	103	NORTH COWDEN UNIT #1050	COWDEN NORTH	19.0	PIONEER NATURAL GAS
8117875	21725	4213533045	103	NORTH COWDEN UNIT #1051	COWDEN NORTH	36.8	PIONEER NATURAL GAS
8117865	21653	4213533038	103	NORTH COWDEN UNIT #1052	COWDEN NORTH	16.1	PIONEER NATURAL GAS
8117870	21658	4213533053	103	NORTH COWDEN UNIT #1053	COWDEN NORTH	10.2	PIONEER NATURAL GAS
8117922	26744	4213533228	103	NORTH COWDEN UNIT #1060	COWDEN NORTH	73.0	PIONEER NATURAL GAS
8117851	19547	4213533236	103	NORTH COWDEN UNIT #1066	COWDEN NORTH	1.1	PIONEER NATURAL GAS
8117852	19548	4213533235	103	NORTH COWDEN UNIT #1067	COWDEN NORTH	2.5	PIONEER NATURAL GAS
8117863	21628	4213533254	103	NORTH COWDEN UNIT #1072	COWDEN NORTH	12.4	PIONEER NATURAL GAS
8117853	19549	4213533251	103	NORTH COWDEN UNIT #1074	COWDEN NORTH	5.5	PIONEER NATURAL GAS
8117874	21724	4213533250	103	NORTH COWDEN UNIT #1080	COWDEN NORTH	9.1	PIONEER NATURAL GAS
8117936	27469	4223330752	102	ROSA R ROSCOE GU NO 1	BLOCKER/COTTON VALLEY/	365.0	UNITED GAS PIPE LINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/17/81 JA: TX			
8117844	06384	4223330604	103	ELLIS COCKRELL NO 25	PANHANDLE HUTCHINSON	11.0	GETTY OIL CO
8117916	26072	4229530720	102	FULTON - SELL #1-L	KIOWA CREEK SOUTH (MORRO	365.0	TRANSWESTERN PIPELIN
8117843	06285	4213132624	103	HAGIST RANCH F #3	HAGIST RANCH (WILCOX UPP	200.0	NATURAL GAS PIPELINE
-BARBOUR ENERGY CORP				RECEIVED: 02/17/81 JA: TX			
8117996	26032	4221100000	106	WILHELM NO 1	HUMPHREYS (DOUGLAS)	8.4	TRANSWESTERN PIPELIN
-BENNETT PRODUCTION CORP				RECEIVED: 02/17/81 JA: TX			
*8117930	27150	4223700000	106	N L KOIN (3)	DEWEBER (CONGL)	5.0	KOCH OIL CO
-BONANZA PETROLEUM INC				RECEIVED: 02/17/81 JA: TX			
8117840	15943	4228531356	103	SOVEREIGN #1 WEST (VIENNA 8400)	VIENNA	100.0	TEXAS EASTERN GAS PI
8117847	15944	4228531350	103	SOVEREIGN #1 WEST (VIENNA 8450)	VIENNA	100.0	TEXAS EASTERN GAS PI
8117921	26356	4228531490	103	WEST #2	VIENNA 8450 FIELD	150.0	TEXAS EASTERN PIPELI
-CIMMARON OIL CO INC				RECEIVED: 02/17/81 JA: TX			
8117998	28643	4222130610	102	BEACH GAS UNIT #1	GRANBURY NE	277.4	EMPIRE PIPE LINE COR
8117995	28606	4222130612	102	BOYD	GRANBURY NE (MARBLE FALL	317.5	EMPIRE PIPE LINE COR
8117999	28644	4222130615	102	CROUCH GAS UNIT #1	GRANBURY NE (MARBLE FALL	0.0	EMPIRE PIPE LINE COR
8117993	28587	4222130616	102	DUNAWAY A #1	GRANBURY NE (MARBLE FALL	470.8	EMPIRE PIPE LINE COR
8117997	28640	4222130627	102	DUNAWAY B #2	GRANBURY NE (MARBLE FALL	438.0	EMPIRE PIPE LINE COR
8117990	28555	4222130602	102	HARRINGTON GAS UNIT #1	GRANBURY NE (MARBLE FALL	83.9	EMPIRE PIPE LINE COR
8117989	28554	4222130617	102	MASSEY GAS UNIT	GRANBURY N E (MARBLE FAL	295.6	EMPIRE PIPE LINE COR
8117994	28599	4222130591	102	MCGUFFIN	GRANBURY NE (MARBLE FALL	120.0	EMPIRE PIPE LINE COR
8118000	28645	4222130618	102	NUTT D #4	GRANBURY NE (MARBLE FALL	365.0	EMPIRE PIPE LINE COR
8117992	28557	4222130604	102	WAKEFIELD A #1	GRANBURY NE (MARBLE FALL	310.2	EMPIRE PIPE LINE COR
8117991	28556	4222130617	102	WAKEFIELD B #2	GRANBURY NE (MARBLE FALL	401.5	EMPIRE PIPE LINE COR
-CLEMCO INC				RECEIVED: 02/17/81 JA: TX			
8117908	25325	4218330416	102	HENDERSON GAS UNIT NO 1	N LANSING (COTTON VALLEY	365.0	ARKANSAS LOUISIANA G
-COLORADO INTERSTATE GAS CO				RECEIVED: 02/17/81 JA: TX			
8117649	17957	4237530680	103	BIVINS 86R	W PANHANDLE (RED CAVE)	141.0	COLORADO INTERSTATE
-COQUINA OIL CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117896	23371	4238300000	103	PETTIT A #4	SPRABERRY	2.4	EL PASO NATURAL GAS
-CRAWFORD OIL & GAS CO				RECEIVED: 02/17/81 JA: TX			
8117909	25452	4208100000	102	MARY NO 1 (87607)	RAWLINGS N (JENNINGS LO)	1262.0	EL PASO NATURAL GAS
-DANDEN PETROLEUM INC				RECEIVED: 02/17/81 JA: TX			
8117894	22791	4223300000	108	DAVENPORT #1	PANHANDLE	2.6	DIAMOND-SHAMROCK COR

JD NO	JA DKT	API NO	SEC	WELL NAME
8117893	22789	4223300000	108	DAVENPORT #3
8117892	22771	4223300000	108	KNUDSEN #12
8117891	22770	4223300000	108	KNUDSEN #13
8117890	22769	4223300000	108	KNUDSEN #15
8117889	22768	4223300000	108	KNUDSEN #17
8117888	22766	4223300000	108	KNUDSEN #19
8117887	22761	4223300000	108	KNUDSEN #25
-EAGLE EXPLORATION CO INC				RECEIVED: 02/17/81 JA: TX
8117940	27960	4219530737	102	NOBLES-CATOR NO 2 (#83181)
-ENSERCH EXPLORATION INC				RECEIVED: 02/17/81 JA: TX
8118009	29248	4238331655	103	FRIEND NO 1
8117845	07451	4221330097	103	R F HOLLAND NO 1
8117904	24939	4213730160	108	W L MIERS C NO 3
-EXXON CORPORATION				RECEIVED: 02/17/81 JA: TX
*8117858	21210	4249930638	103	HAWKINS FIELD UNIT #0609
*8117855	21192	4249930657	103	HAWKINS FIELD UNIT #1196
*8117860	21375	4249930662	103	HAWKINS FIELD UNIT #4196
*8117857	21209	4249930600	103	HAWKINS FIELD UNIT #4346
*8117854	21222	4249930625	103	HAWKINS FIELD UNIT #4347
*8117856	21208	4249930717	103	HAWKINS FIELD UNIT #9920
8117883	22161	4200332103	103	STATE UNIVERSITY BL #3
-FAGADAU ENERGY CORP				RECEIVED: 02/17/81 JA: TX
8117936	27664	42237327U8	102	WORTHINGTON H UNIT NO 1
-FRED OLSEN INC				RECEIVED: 02/17/81 JA: TX
8117850	17960	4209731319	103	MARJORIE MCMAHON NO 1
-HAMCO EXPLORATION & DEVELOPMENT CO				RECEIVED: 02/17/81 JA: TX
8118003	28955	4244131559	103	L SIPE #1
-HNG OIL COMPANY				RECEIVED: 02/17/81 JA: TX
8117946	28078	4241330699	103	PFLUGER 108 #1 (78196)
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 02/17/81 JA: TX
8117954	28343	4245130589	103	HOBLIT JACOBS ET AL #1
-HUFO OILS				RECEIVED: 02/17/81 JA: TX
8118028	29939	4203530780	103	ELLER NO 3 (#04562)
-JAMES COLVIN				RECEIVED: 02/17/81 JA: TX
8117988	28551	4208700000	106	MORGAN NO 1 (#33884)
-JATAM INC				RECEIVED: 02/17/81 JA: TX
8118022	299	4243130883	103	R C BYNUM-198 #1
8118023	29924	4243130884	103	R C BYNUM-198 #2
8118024	29925	4243130886	103	R C BYNUM-198 #4
8118020	29921	4243130887	103	R C BYNUM-198 #5
8118021	29922	4243130855	103	W T -KNIGHT #3
-JOHN H HENDRIX CORP				RECEIVED: 02/17/81 JA: TX
8118012	29349	4237132934	103	ARCO - IRT #2
-JOHN R JACOBS CORP				RECEIVED: 02/17/81 JA: TX
8118030	29941	4239931558	103	HENSLEY/WEST #1 (08475)
8118029	29940	4239931558	103	HUCKABY #1 (08476)
-KILROY CO OF TEXAS				RECEIVED: 02/17/81 JA: TX
8117932	27208	4217531065	102	IRENE VINTON NO 1-U
-LOGUE AND PATTERSON INC				RECEIVED: 02/17/81 JA: TX
8117949	28110	4237300000	103	JOHNSON MARTIN ET AL #1
8117950	28111	4237300000	103	TREADWAY-SUN #1
-MEMBOURNE OIL COMPANY				RECEIVED: 02/17/81 JA: TX

FIELD NAME	PROD	PURCHASER
PANHANDLE	2.6	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
MORSE N (CLEVELAND)	146.0	PANHANDLE EASTERN PI
FARMER	24.0	NORTHERN NATURAL GAS
TRI-CITIES (TRAVIS PEAK	189.0	LONE STAR GAS CO
SAWYER	9.0	LONE STAR GAS CO
HAWKINS	609.0	ARMCO STEEL CORP
HAWKINS	20.0	ARMCO STEEL CORP
HAWKINS	170.0	ARMCO STEEL CORP
HAWKINS	90.0	ARMCO STEEL CORP
HAWKINS	55.0	ARMCO STEEL CORP
HAWKINS	90.0	ARMCO STEEL CORP
TRIPLE N (PENN UPPER)	1.0	EL PASO NATURAL GAS
JACKSBORO N (CADDO CONGL	100.0	SOUTHWESTERN GAS PIP
WEST HANDY (DORNICK HILL	0.0	C C G P LTD
SAM W (STRAWN SAND)	81.0	PALO DURO PIPELINE C
ELDORADO (CANYON)	29.0	NORTHERN NATURAL GAS
ALLEN HILL (STRAWN) -- W	0.0	
PANHANDLE (CARSON) COUNT	0.0	NORTHERN NATURAL GAS
EAST PANHANDLE	20.0	EL PASO NATURAL GAS
JAMESON (STRAWN)	48.0	SUN OIL CO
JAMESON (STRAWN)	48.0	SUN OIL CO
JAMESON (STRAWN)	48.0	SUN OIL CO
JAMESON (STRAWN)	48.0	SUN OIL CO
JAMESON (STRAWN)	48.0	SUN OIL CO
PECOS VALLEY (WOLFCAMP)	20.5	NORTHERN NATURAL GAS
FORT CHADBOURNE (GRAY)	70.0	UNION TEXAS PETROLEU
FORT CHADBOURNE (GRAY)	52.0	UNION TEXAS PETROLEU
DANFORTH (FRIO 20 70)	335.0	TRANSCONTINENTAL GAS
CAMP RUBY (YEQUA 3645)	135.0	HOUSTON PIPELINE
CAMP RUBY (YEQUA 3645)	135.0	HOUSTON PIPELINE

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8116027	29933	4238331613	103	CHRISTY C #1 (#08527)	SPRABERRY (TREND AREA)	20.0	UNION TEXAS PETROLEU
8116026	29932	4238331612	103	CHRISTY D #1 (#08578)	SPRABERRY (TREND AREA)	26.0	UNION TEXAS PETROLEU
-MITCHELL ENERGY CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117953	28301	4249700000	103	ASCCU #4-6	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPELINE
8116017	29701	4223700000	106	FLOYD DUKE #1 46317	FALLON (COTTON VALLEY)	10.0	TEXAS UTILITIES FUEL
8117955	28369	4249700000	103	G H GORE #1	WISE COUNTY REGULAR	0.0	NATURAL GAS PIPELINE
8117915	25728	4247932613	103	GARNER RANCH #1	SEGUNDO (OLMOS)	48.6	
8117917	26201	4247900000	103	GARNER RANCH #2	SEGUNDO (OLMOS)	72.6	
8117848	17316	4249731441	103	H J BEAVER #10	BOONSVILLE (BEND CONGL G	200.0	NATURAL GAS PIPELINE
8117945	28071	4249731712	103	H W NASH #2	BOONESVILLE (BEND CONGL	175.0	NATURAL GAS PIPELINE
8117854	20724	4249700000	106	N R ROBERTS -B-#1 18535	GREENWOOD/ATOKA 6650	19.0	NATURAL GAS PIPELINE
8117944	28069	4223733022	103	O W LONG #1	NEW PORT SOUTH (ATOKA CO	100.0	NATURAL GAS PIPELINE
8117907	25295	4249700000	108	K S DEERING #1 28625	BOONESVILLE (BEND CONGL	11.6	NATURAL GAS PIPELINE
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 02/17/81 JA: TX			
8116007	29178	4210332335	103	TEXAS UNIV SEC 15 B 16 #1554	DUNE	18.6	PHILLIPS PETROLEUM C
-MONSANTO COMPANY				RECEIVED: 02/17/81 JA: TX			
8117924	26756	4212330985	102	WASKOW A-1	NORDHEIM (WILCOX 9900)	100.0	VALERO ENERGY CORP
-MORAN EXPLORATION INC				RECEIVED: 02/17/81 JA: TX			
8117937	27632	4238300000	108	S E STOUT #1	SPRABERRY (TREND AREA)	10.6	EL PASO NATURAL GAS
-MOTE RESOURCES INC				RECEIVED: 02/17/81 JA: TX			
8116025	29927	4233731366	103	THWEATT #1 (20095)	SUNSET CONGLOMERATE	5.5	TEXAS UTILITIES FUEL
-NAPECO INC				RECEIVED: 02/17/81 JA: TX			
8117941	28012	4244330062	102	ALLISON NO 1	WILBOURNE (DETRITAL)	365.0	NATURAL GAS PIPELINE
-NORTH CENTRAL OIL CORPORATION				RECEIVED: 02/17/81 JA: TX			
8117927	26862	4249700000	108	C W POUNDS #1 (29303)	BOONESVILLE (BEND CONGLO	19.0	NATURAL GAS PIPELINE
8117925	26779	4249700000	108	J H BROWN (29295)	BOONESVILLE (BEND CONGLO	7.0	NATURAL GAS PIPELINE
8117926	26884	4249700000	108	RUSH WAGES #1 (29305)	BOONESVILLE (BEND CONGLO	4.0	NATURAL GAS PIPELINE
-PARKER & PARSLEY INC				RECEIVED: 02/17/81 JA: TX			
8117916	26272	4232930905	103	HUTT B NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
8117943	28017	4232930916	103	HUTT C NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
8117942	28016	4232930917	103	HUTT D NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-PENNZOIL PRODUCING COMPANY				RECEIVED: 02/17/81 JA: TX			
8116002	26782	4247931970	102	BRUNI-KILLAM MINERAL FEE 51-1	AVIATORS S (WILCOX 9600)	237.0	VALERO INTERSTATE TR
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 02/17/81 JA: TX			
8117929	27036	4213504354	108	(21193) GS ANDEC UT NO L-04L	GOLDSMITH (CLEARFORK)	11.0	EL PASO NATURAL GAS
8116010	29298	4213520373	108	(21556) N PENWELL #57	PENWELL	10.0	EL PASO NATURAL GAS
-RICHARD F WILLIAMSON INC				RECEIVED: 02/17/81 JA: TX			
8116008	29226	4236731950	103	WILHITE 1-C	DICEY CONGLOMERATE	35.0	NATURAL GAS PIPELINE
-RKG ENGINEERING INC				RECEIVED: 02/17/81 JA: TX			
8116006	29172	4212732060	103	COTULLA	CATARINA SW (OLMOS)	0.0	VALERO TRANSMISSION
-SHELL OIL CO				RECEIVED: 02/17/81 JA: TX			
8117974	28443	4216500000	108	BAUMGART GEORGE-C- #20	WASSON 72	4.4	SHELL ETAL
8117973	28443	4216500000	108	BAUMGART GEORGE-C-#25	WASSON 72	6.6	SHELL ETAL
8117972	28442	4216500000	108	BAUMGART GEORGE-E-#18	WASSON 72	1.9	SHELL ETAL
8117987	28505	4218100000	108	BMC STRAWN I UNIT #418	BMC (STRAWN I)	6.4	UNION TEXAS PETROLEU
8117986	28504	4218100000	108	BMC STRAWN I UNIT #424	B M C (STRAWN I)	6.4	UNION TEXAS PETROLEU
8117971	28437	4219700000	108	C G CONLEY #14	CONLEY (PALO PINTO)	0.4	LONE STAR GAS CO
8117980	28457	4248700000	108	C KESTER #1	ODELL WEST (CHAPPEL)	1.6	LONE STAR GAS CO
8117979	28456	4248700000	108	C KESTER #2	ODELL WEST (CHAPPEL)	0.7	LONE STAR GAS CO
8117963	28429	4217500000	108	EAST HARPER UNIT #401	HARPER	0.5	PHILLIPS PETROLEUM C
8116016	29703	4248700000	106	GOETZE F #101	ODELL WEST (CHAPPEL)	6.4	LONE STAR GAS CO
8117976	28452	4250100000	108	H L LOWE #17	WASSON 72	1.3	SHELL ETAL

JD #	DI DIST	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8117902	28428	4213500000	108	JORDAN UNIVERSITY UNIT #644	JORDAN	0.3	PHILLIPS PETROLEUM C
8117901	28427	4213500000	108	JORDAN UNIVERSITY UNIT #806	JORDAN	0.3	PHILLIPS PETROLEUM C
8117900	28426	4246100000	108	MIDCROSS DEVONIAN UNIT #30	CROSSETT S (DETRITAL)	9.6	SHELL ETAL
8117956	28422	4216500000	108	MIDWAY LANE 1100 UNIT #101	MIDWAY LANE (PERMIAN)	0.6	JAMES C BURNETT
8117963	28502	4216500000	108	S WASSON CLRFK UT #7514-S	WASSON 72	5.3	SHELL ETAL
8117984	28500	4216500000	108	S WASSON CLRFK UT #8611-S	WASSON 72	24.4	SHELL ETAL
8117958	28424	4247500000	108	SEALY SMITH FOUNDATION #112	MONAHANS (CLEARFORK)	4.9	EL PASO NATURAL GAS
8117957	28423	4247500000	108	SEALY SMITH FOUNDATION #132	MONAHANS (CLEAR FORK)	8.5	EL PASO NATURAL GAS
8117959	28425	4247500000	108	SEALY SMITH FOUNDATION #31	MONAHANS (CLEARFORK)	0.3	EL PASO NATURAL GAS
8117970	28436	4217500000	108	SOUTH CROSS UNIT #109	CROSSETT S (DETRITAL)	14.9	SHELL ETAL
8117969	28435	4217500000	108	SOUTH CROSS UNIT #153	CROSETT S (DETRITAL)	3.1	SHELL ETAL
8117966	28434	4210500000	108	SOUTH CROSS UNIT #155	CROSSETT S (DETRITAL)	2.7	SHELL ETAL
8117967	28433	4210500000	108	SOUTH CROSS UNIT #178-L	CROSSETT S (DETRITAL)	0.6	SHELL ETAL
8117960	28432	4210500000	108	SOUTH CROSS UNIT #184-L	CROSSETT S (DETRITAL)	10.4	SHELL ETAL
8117965	28431	4210500000	108	SOUTH CROSS UNIT #200	CROSSETT S (DETRITAL)	4.3	SHELL
8117977	28453	4213300000	108	TXL NORTH UNIT #799	TXL (TU88)	2.4	SHELL ETAL
8117976	28454	4213300000	108	TXL-L- A/C 4 #16	TXL (SAN ANDRES)	6.2	SHELL ETAL
8117964	28430	4210300000	108	UNIVERSITY 30-C #8	DUNE	2.1	PHILLIPS PETROLEUM C
8117975	28451	4216500000	108	WASSON-E- #9L	WASSON 72	5.2	SHELL ETAL
-SNOW OIL CO				RECEIVED: 02/17/81 JA: TX			
8117905	24010	4213332269	102	TEXFEL-SNEED #1 (15880)	MANGUM NORTH (3200)	410.0	ODESSA NATURAL CORP
8116001	28051	4213332343	102	WAYNICK #2 (16022)	MANGUM NORTH (3200)	295.0	ODESSA NATURAL CORP
-SOHIO PETROLEUM CO				RECEIVED: 02/17/81 JA: TX			
8118011	29316	4238331730	103	E G CAUBLE B NO 5	CALVIN(DEAN)	55.0	EL PASO NATURAL GAS
-STALLWORTH OIL & GAS INC				RECEIVED: 02/17/81 JA: TX			
8118019	29783	4207900000	108	F O MASTEN #1	LEVELLAND (SAN ANDRES)	1.0	TUCO INC
8118018	29782	4207900000	108	F O MASTEN #2	LEVELLAND (SAN ANDRES)	8.7	TUCO INC
8117939	27793	4207900000	108	S P WRIGHT A #1 #59 568	LEVELLAND (SAN ANDRES)	13.0	EL PASO NATURAL GAS
-STRATA ENERGY INC				RECEIVED: 02/17/81 JA: TX			
8117905	24996	4205130594	102	GRANDJEAN-SCHULZE UNIT #1	GIDDINGS (AUSTIN CHALK)	50.0	CLAJON GAS CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 02/17/81 JA: TX			
8116031	24973	4250131818	103	BENNETT RANCH UNIT #323	WASSON	17.5	SHELL OIL CO
8117906	25138	4242330375	103	HITTS LAKE UNIT NO 6-3	HITTS LAKE (PALUXY)	2.0	LONE STAR GAS CO
8117885	22208	4208130340	103	JAMESON REEF UNIT #11-55	JAMESON	47.0	LONE STAR GAS CO
8117884	22267	4208130344	103	JAMESON REEF UNIT #2308	JAMESON	15.0	LONE STAR GAS CO
8117901	23087	4212731846	103	JOHN B BAGGETT NO 10	PEARSALL (AUSTIN CHALK)	16.0	HOUSTON PIPE LINE CO
8117902	23089	4212731708	103	JOHN B BAGGETT NO 8	PEARSALL (AUSTIN CHALK)	11.0	HOUSTON PIPE LINE CO
8117842	04692	4249730974	103	T D LESTER UNIT NO 2	BOONSVILLE	180.0	NATURAL GAS PIPELINE
-SUNNYBROOK OIL & GAS INC				RECEIVED: 02/17/81 JA: TX			
8117882	21800	4240100000	108	ROUSSEAU GAS UNIT (#39449)	MINDEN/TRANSITION	15.0	TEXAS UTILITIES FUEL
-TAYLOR OPERATING COMPANY				RECEIVED: 02/17/81 JA: TX			
8116014	29560	4249700000	103	L H KAKER #1 (71012)	BOONSVILLE (BEND CONGL G	146.0	NATURAL GAS PIPE CO
8116013	29559	4249700000	103	L H KAKER A NO 1 (74098)	BOONSVILLE (BEND CONGL G	190.0	NATURAL GAS PIPE CO
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 02/17/81 JA: TX			
8117951	28152	4205130882	102	BUGG #3	GIDDINGS	110.0	CLAJON GAS CO
8117947	28083	4205100000	102	SCHINDLER-BIRCH CREEK	GIDDINGS	365.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 02/17/81 JA: TX			
8117920	26356	4235700000	102	HARRIS G #1	HARRIS (MORROW UPPER)	1400.0	DELHI GAS PIPELINE C
8117895	23305	4221100000	108	LAUBHAN T #1	S E FELDMAN	4.0	CITIES SERVICE
8117914	26355	4229500000	102	REYNOLDS C #2	LEAR (MORROW LOWER)	325.0	DELHI GAS PIPELINE C
-THOMAS-POWELL ROYALTY INC				RECEIVED: 02/17/81 JA: TX			
8117926	26858	4239931440	102	PHILLIPS ET AL #1 (08370)	WINGATE NW (GRAY)	99.0	UNION TEXAS PETROLEU

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JD NO	DE NO	API NO	SEC-T-R WELL NAME	FIELD NAME	PROD	PURCHASER
-TOM BROWN INC			RECEIVED: 02/17/81 JA: TX			
8117697	23540	4241330363 106	#1 FRANK VALIS	HENRY SPECK (CANYON)	14.9	PRODUCERS GAS CO
8117698	23546	4241330567 106	#1 MARY COUPE 3	HENRY SPECK (CANYON)	40.3	NORTHERN NATURAL GAS
8117699	23551	4241330366 106	VALIS A #1	HENRY SPECK (CANYON)	81.3	PRODUCERS GAS CO
8117700	23552	4241330432 106	VALIS A #2	HENRY SPECK (CANYON)	20.2	PRODUCERS GAS CO
-TOM F MARSH INC			RECEIVED: 02/17/81 JA: TX			
8117935	27421	4221166660 103	STANDLEE #1-66	WILDCAT	30.0	PIONEER NATURAL GAS
-UNION EXPLORATION			RECEIVED: 02/17/81 JA: TX			
8117983	28497	4205932616 102	BROOKS #2 (16417)	BOWNE (CONGL)	48.0	LONE STAR GAS CO
8117981	28479	4205932714 102	BROOKS A #3 (89778)	BOWNE N (CADDO)	0.0	LONE STAR GAS CO
8117982	28480	4205932122 102	ROGERS #2 (15588)	BOWNE (CONGL)	49.0	LONE STAR GAS CO
-VANN PETROLEUM CO			RECEIVED: 02/17/81 JA: TX			
8117934	27327	4217331353 102	A S VOST NO 1	SCHROEDER WEST (VICKSBUR	109.5	TRANSCONTINENTAL GAS
-W E POPE			RECEIVED: 02/17/81 JA: TX			
8117914	25714	4214330290 106	G D GRISWOLD #1/#84202	LIBERTY OAK (BIG SALINE)	14.0	NORTHERN GAS PRODUCT
-W WALDO LYNCH			RECEIVED: 02/17/81 JA: TX			
8117952	28201	4250731323 102	LAMANTIA 7	LAMANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WALSH AND WATTS INC			RECEIVED: 02/17/81 JA: TX			
8118015	29573	4230100000 106	TXL H NO 5 (12684)	GRICE (DELAWARE)	2.0	PHILLIPS PETROLEUM C
-WARRIOR MANAGEMENT & QUANAH PET			RECEIVED: 02/17/81 JA: TX			
8117935	27501	4231131455 102	COUNTRYMAN NO 1 (89038)	BARRANCA (SLICK)	1825.0	TEXAS EASTERN TRANSM
-WHEELER OIL COMPANY			RECEIVED: 02/17/81 JA: TX			
8118005	29101	4221932626 103	LONNIE GREGORY #1	D-L-S (SAN ANDRES)	1.4	CABOT PIPELINE CORP
8118004	29100	4221932977 103	J L SCHWAB #2	D-L-S (SAN ANDRES)	48.9	CABOT PIPELINE CORP
**********						
** U.S. GEOLOGICAL SURVEY - DENVER,CO						
**********						
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/18/81 JA: CO 1			
8118039	COU114-80	0506706365 103	SOUTHERN UTE 15-3 32-9 (MV)	IGNACIO BLANCO	366.0	NORTHWEST PIPELINE C
8118040	COU114-80	0506706363 103	SOUTHERN UTE 21-2 32-9 (MV)	IGNACIO BLANCO	405.0	WESTERN SLOPE GAS CO
-COSEKA RESOURCES (USA) LIMITED			RECEIVED: 02/18/81 JA: CO 1			
8118041	COU104-80	0510308371 103	FEDERAL #9-31-4-101	WILDCAT	44.5	NORTHWEST PIPELINE C
-FUEL RESOURCES DEVELOPMENT CO			RECEIVED: 02/18/81 JA: CO 1			
8118042	C L 401-0	0510308359 102	#M-23-3-101-S	CATHEDRAL	17.0	NORTHWEST PIPELINE C
-PALMER OIL & GAS COMPANY			RECEIVED: 02/18/81 JA: CO 1			
8118033	CC11-0	0504506104 103	FEDERAL #28-4	SOUTH CANYON	121.0	WESTERN SLOPE GAS CO
8118034	CC10-0	0504506138 103	FEDERAL #32-0	SOUTH CANYON	276.0	WESTERN SLOPE GAS CO
8118035	CC22-0	0504506151 103	FEDERAL #6-3	DAKOTA & MORRISON	139.0	COLORADO INTERSTATE
-BELCO PETROLEUM CORPORATION			RECEIVED: 02/18/81 JA: UT 1			
8118036	UU0112-80	4304730680 103	NATURAL DUCK 1-15	NATURAL DUCK	0.0	COLORADO INTERSTATE
8118038	UU0110-80	4304730646 103	NATURAL DUCK 5-15	NATURAL DUCK	0.0	NORTHWEST PIPELINE C
8118037	UU0113-80	4304730647 103	NATURAL DUCK 6-15	NATURAL DUCK	0.0	COLORADO INTERSTATE
-COSEKA RESOURCES (USA) LIMITED			RECEIVED: 02/18/81 JA: UT 1			
8118043	UU0110-80	4304730582 102	#4-25-14-23	WILDCAT	411.0	NATURAL GAS CORP OF
-TEXAS OIL & GAS CORP			RECEIVED: 02/18/81 JA: UT 1			
8118032	UC 368-0	4301930572 103	ARCO FEDERAL C #1	SAN ARROYO	550.0	MESA PIPELINE CO
**********						
** BUREAU OF INDIAN AFFAIRS, USAGE AGENCY, PAWHUSKA,OK						
**********						
-ANDOVER OIL CO			RECEIVED: 02/18/81 JA: OK 8			
8118044		3511324607 103	DUNKIN #5-1		27.4	TRANSOK PIPE LINE CO

OTHER PURCHASERS

8117855 E I DUPONT DE NEMOURS & CO INC
8117856 E I DUPONT DE NEMOURS & CO INC
8117857 E I DUPONT DE NEMOURS & CO INC
8117858 E I DUPONT DE NEMOURS & CO INC
8117859 E I DUPONT DE NEMOURS & CO INC
8117860 E I DUPONT DE NEMOURS & CO INC
8117930 CITIES SERVICE OIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8185 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

JD ID	JA JST	API NO.	SEC J WELL NAME	FIELD NAME	PROD	PURCHASER
FLORIDA DEPARTMENT OF NATURAL RESOURCES						
-EXXON CORPORATION			RECEIVED: 02/13/81 JA: FL			
#8118261		0911320186 107	W R POLK 18-4	JAY/LEC	1100.0	FLORIDA GAS TRANS CO
KANSAS CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY			RECEIVED: 02/23/81 JA: KS			
8118427	K-80-1016	1517520474 103	GUTTRIDGE F-1	SHUCK	73.0	CIMARRON-QUINQUE
8118421	K-81-0023	1506720569 103	MCCLELLAND 9 NO 3	PANOMA	59.0	PANHANDLE EASTERN PI
-BARTLING OIL CO			RECEIVED: 02/23/81 JA: KS			
8118444	K-81-0044	1507120211 103	#1 ALPERS	BYERLY	100.0	SUNFLOWER ELECTRIC C
8118450	K-81-0038	1507120182 103	#1 ANGELL	BYERLY	90.0	SUNFLOWER ELECTRIC C
8118451	K-81-0037	1507120215 103	#1 BUEHNE	BYERLY	54.0	SUNFLOWER ELECTRIC C
8118447	K-81-0041	1507120179 103	#1 EVERETT	BYERLY	54.0	SUNFLOWER ELECTRIC C
8118446	K-81-0042	1507120213 103	#1 LILJEGREN	BYERLY	146.0	SUNFLOWER ELECTRIC C
8118449	K-81-0039	1507120208 103	#1 VOGT	BYERLY	85.0	SUNFLOWER ELECTRIC C
8118445	K-81-0043	1507120180 103	#1 WEST	BYERLY	100.0	SUNFLOWER ELECTRIC C
8118448	K-81-0040	1507120216 103	#2 WINEINGER	BYERLY	91.0	SUNFLOWER ELECTRIC C
-BENSON MINERAL GROUP			RECEIVED: 02/23/81 JA: KS			
8118465	K-79-1858	1512522154 108	ERWIN #1-32	JEFFERSON - SYCAMORE	15.7	UNION GAS SYSTEMS IN
-BEREN CORPORATION			RECEIVED: 02/23/81 JA: KS			
8118423	K-81-0021	1509520973 103	HENNING #1	GOETZ	57.0	KANSAS POWER & LIGHT
-BONANZA PETROLEUM INC			RECEIVED: 02/23/81 JA: KS			
8118434	K-80-1017	1512920437 103	JOHNS #1		220.0	PANHANDLE EASTERN PI
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 02/23/81 JA: KS			
8118440	K-80-1102	1509320586 103	GARDEN A NO 3	PANOMA	800.0	COLORADO INTERSTATE
8118442	K-80-1100	1505520355 103	JOSS NO 2	PANOMA	547.0	KANSAS NEBRASKA NATU
8118441	K-80-1101	1505520361 103	STONE NO 2	PANOMA	839.0	KANSAS NEBRASKA NATU
8118439	K-80-1103	1505520382 103	TURRENTINE NO 3	PANOMA	149.0	KANSAS NEBRASKA NATU
-CITIES SERVICE COMPANY			RECEIVED: 02/23/81 JA: KS			
8118416	K-80-0995	1511900000 106	ADAMS M-2	ADAMS RANCH	10.0	COLORADO INTERSTATE
8118415	K-80-1026	1517500000 106	KINEHART A #1	EAST KISMET	13.2	PANHANDLE EASTERN PI
8118414	K-80-1044	1506920066 102	SCHARTZ C #1		54.0	
-CONTINENTAL ENERGY			RECEIVED: 02/23/81 JA: KS			
8118459	K-81-0059	1509300000 108	WITT #1	HUGOTON	0.0	CITIES SERVICE GAS C
-ENERGY EXPLORATION INC			RECEIVED: 02/23/81 JA: KS			
*8118412	K-80-0708	1515520655 103	HARLEY #2	ZENITH-PEACE CREEK MISSI	138.0	PEOPLES NATURAL GAS
*8118430	K-80-0709	1515520636 103	KEESLING #1-A	ZENITH-PEACE CREEK MISSI	122.0	PEOPLES NATURAL GAS
*8118413	K-80-0707	1515520640 103	WITHRODER #1	ZENITH-PEACE CREEK MISS	117.6	PEOPLES NATURAL GAS
-GRAHAM-MICHAELIS CORP			RECEIVED: 02/23/81 JA: KS			
8118436	K-80-1012	1518720332 103	PLUMMER D 2	PANOMA	100.0	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC J WELL NAME
-IMPERIAL OIL COMPANY			RECEIVED: 02/23/81 JA: KS
8118426	K-80-1050	1502520307 102	DAILY #2-17
8118425	K-80-1053	1502520271 102	SCHEIB #2-18
-INTEK-AMERICAN ENERGY CORP			RECEIVED: 02/23/81 JA: KS
8118443	K-80-1097	1518720315 103	COCKRENAM #1
-J M HUBER CORPORATION			RECEIVED: 02/23/81 JA: KS
8118453	K-81-0067	1512900000 108	CHURCH NO 2
-J MARK RICHARDSON			RECEIVED: 02/23/81 JA: KS
8118420	K-81-0025	1509720553 103	MCFADDEN A #1
-JOHN JAY DARKAH JR			RECEIVED: 02/23/81 JA: KS
8118424	K-81-0020	1515120758 102	VANNOVER GU #1
-KAN-GO INC			RECEIVED: 02/23/81 JA: KS
8118455	K-81-0065	1511520601 103	ANGELA STIKA #1
-KANSAS PETROLEUM INC			RECEIVED: 02/23/81 JA: KS
8118452	K-81-0066	1508120170 103	BECKER-STEGELL #1
-KANSAS-NEBRASKA NATURAL GAS CO INC			RECEIVED: 02/23/81 JA: KS
8118463	K-80-0364	1502320075 108	HARKINS 1 - 16
8118464	K-80-0494	1502320040 108	HARKINS 1-29
8118460	K-80-0497	1502320044 108	HOLZWARTH 1-1
8118462	K-80-0495	1502320043 108	OBRIEN 1-30
8118461	K-80-0496	1502320031 108	OBRIEN 1-31
-LADD PETROLEUM CORPORATION			RECEIVED: 02/23/81 JA: KS
8118470	K-81-0001	1507520329 103	HCU-1821-C
8118469	K-81-0002	1507520339 103	HCU-3030-C
-MARDEN PRODUCING CO			RECEIVED: 02/23/81 JA: KS
8118454	K-81-0066	1505500000 108	REED RANCH #1
-NATIONAL COOP REFINERY ASSOC			RECEIVED: 02/23/81 JA: KS
8118431	K-80-0684	1509520939 103	CARRICK B #3
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED: 02/23/81 JA: KS
8118422	K-81-0022	1518920511 103	TILFORD NO 1 UNIT NO 2
-PAN EASTERN EXPLORATION COMPANY			RECEIVED: 02/23/81 JA: KS
8118471	K-80-1106	1518900000 108	HOWELL RHINEHART #2
8118438	K-80-1104	1512900000 108	KANSAS #1-23
8118437	K-80-1105	1512900000 108	LOW #1-8
-ROBERT F WHITE			RECEIVED: 02/23/81 JA: KS
8118419	K-81-0019	1509500000 103	NICHOLS #1
-RUDY SCHREPPEL JR			RECEIVED: 02/23/81 JA: KS
8118456	K-81-0064	1509920977 102	OLSON NO 4
8118458	K-81-0062	1509920506 102	ROBISON NO 2
8118457	K-81-0063	1509921216 102	SWANWICK NO 1
-W B OSBORN JR (OPERATOR)			RECEIVED: 02/23/81 JA: KS
8118465	K-81-0003	1509320712 102	COOPER #1
8118466	K-81-0005	1509320711 102	MARVIN #1
8118467	K-81-0004	1509320713 102	PYLE #1
-W R MURFIN D/B/A MURFIN DRILLING CO			RECEIVED: 02/23/81 JA: KS
8118428	K-80-0733	1502320056 108	MCCURRY #1-17 GAS UNIT
8118417	K-80-0694	1502320053 108	OBRIEN B #1-35 GAS UNIT
8118416	K-80-0696	1502320054 108	RUEB FARMS #1-2 GAS UNIT
8118429	K-80-0735	1502320026 108	WALZ #1 GAS UNIT
-WALLACE OIL & GAS INC			RECEIVED: 02/23/81 JA: KS
8118432	K-80-0204	1507520309 103	#2 HERRMANN TWIN
8118435	K-80-1015	1507520342 103	MGF #2

FIELD NAME	PROD	PURCHASER
LEXINGTON	164.0	KANSAS POWER & LIGHT
GRANGER CREEK	201.0	KANSAS POWER & LIGHT
HUGOTON POOL (CHASE FORM	35.0	COLORADO INTERSTATE
HUGOTON	10.0	CITIES SERVICE GAS C
FRALICK WEST	200.0	PANHANDLE EASTERN PI
UNDESIGNATED	40.0	CENTRAL STATES GAS C
LOST SPRINGS	3.6	CLOVER PIPELINE CORP
HUGOTON	20.0	NORTHERN NATURAL GAS
BENKLEMAN	3.0	
BENKLEMAN	16.0	
BENKLEMAN	3.0	
BENKLEMAN	16.0	
BENKLEMAN	4.0	
BRADSHAW	36.5	KANSAS NEBRASKA NATU
BRADSHAW	28.0	KANSAS NEBRASKA NATU
HUGOTON FIELD	7.5	KANSAS-NEBRASKA NATU
SPIVEY-GRABS	25.0	CITIES SERVICE CO
PANOMA	70.0	NORTHERN NATURAL GAS
PANOMA COUNCIL GROVE	20.0	PANHANDLE EASTERN PI
GREENWOOD	20.0	PANHANDLE EASTERN PI
HUGOTON	17.0	PANHANDLE EASTERN PI
SPIVEY-GRABS	72.0	KANSAS POWER & LIGHT
SO BARTLETT	0.0	CITIES SERVICE GAS C
BARTLETT	109.5	CITIES SERVICE GAS C
OSWEGO WEST	3.3	CITIES SERVICE GAS C
HUGOTON	37.0	PANHANDLE EASTERN PI
HUGOTON	0.0	PANHANDLE EASTERN PI
HUGOTON	37.0	PANHANDLE EASTERN PI
CHERRY CREEK	18.0	KANSAS-NEBRASKA NATU
BENKELMAN	6.9	KANSAS-NEBRASKA NATU
CHERRY CREEK	11.0	KANSAS-NEBRASKA NATU
BENKELMAN	11.0	KANSAS-NEBRASKA NATU
KANSAS HUGOTON	120.0	PEOPLES NATURAL GAS
KANSAS HUGOTON	127.7	PEOPLES NATURAL GAS

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JD NO	JA JRL	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-WENERT TRICH			RECEIVED: 02/23/81 JA: KS				
8118433	K-80-1055	1509720666	103	DAVIS DAY #3	WELLSFORD NE	90.0	PANHANDLE EASTERN PI
MISSISSIPPI OIL & GAS BOARD							
-TOMLINSON INTERESTS INC			RECEIVED: 02/20/81 JA: MS				
8118519	108-80-486	2306520140	107	VIRGIL BARNES ET UX 31-5 #1	WEST OAKVALE FIELD	0.0	TRANSCONTINENTAL GAS
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMOCO PRODUCTION CO			RECEIVED: 02/20/81 JA: NM				
8118325		3001522452	103	PARDUE FARMS GAS COM #1	WILDCAT - STRAWN	9.0	EL PASO NATURAL GAS
8118324		3001522553	103	TELEDYNE 17 NO 1	ATOKA	740.0	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/20/81 JA: NM				
8118329		3002526881	103	FREDERICK H CURRY WN #3	LANGLIE MATTIX (7R QN)	32.0	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC			RECEIVED: 02/20/81 JA: NM				
8118331		3004511081	108	LANDAUER #1	BASIN-DAKOTA	20.0	SOUTHERN UNION GATHE
-EL PASO NATURAL GAS COMPANY			RECEIVED: 02/20/81 JA: NM				
8118338		3004520896	108	CALLISON #1	AZTEC - PICTURED CLIFFS	16.0	EL PASO NATURAL GAS
8118339		3004511786	108	FLANINGAM #1	AZTEC-PICTURED CLIFFS	16.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC			RECEIVED: 02/20/81 JA: NM				
8118322		3002527007	103	GULF STATE #4	BUCKEYE ABO	365.4	PHILLIPS PETROLEUM C
-HNG OIL COMPANY			RECEIVED: 02/20/81 JA: NM				
8118330		3002526949	103	SAN SIMON 6 STATE COM #1	UNDESIGNATED WOLFCAMP	30.7	TEXACO INC
-MESA PETROLEUM			RECEIVED: 02/20/81 JA: NM				
8118321		3000560647	102	ACME #1	WILDCAT ABO	2250.0	TRANSWESTERN PIPELIN
8118336		3004506118	108	STATE COM AI #33	BASIN DAKOTA	20.0	NORTHWEST PIPELINE C
8118337		3004500000	108	STATE COM AJ #34	BASIN DAKOTA	20.0	NORTHWEST PIPELINE C
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 02/20/81 JA: NM				
8118320		3002526684	103	E VAC GB/SA TR 3456 #008	VACUUM GB/SA	0.7	EL PASO NATURAL GAS
8118327		3002526686	103	E VAC GB/SA TR 3456 #010	VACUUM GB/SA	1.0	EL PASO NATURAL GAS
8118326		3002526851	103	LEAMEX NO 28	MALJAMAR GB/SA	21.2	EL PASO NATURAL GAS
8118323		3002527086	103	MEXCO-A #4	MALJAMAR GB/SA	7.3	EL PASO NATURAL GAS
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 02/20/81 JA: NM				
8118335		3001500000	108	EAST MILLMAN UNIT #3-2	EAST MILLMAN	1.0	PHILLIPS PETROLEUM C
8118332		3004100000	108	NEW MEXICO -AZ- STATE #1	CHAVEROO	3.0	CITIES SERVICE CO
8118334		3002500000	108	PEERLESS ET AL COM #1	JALMAT	19.0	EL PASO NATURAL GAS
8118333		3000500000	108	STATE TRACT -C- #1	CHAVEROO	3.0	CITIES SERVICE CO
-SUPRON ENERGY CORPORATION			RECEIVED: 02/20/81 JA: NM				
8118328		3004524303	103	SAIZ 1-E	BASIN DAKOTA	254.0	SOUTHERN UNION GATHE
OKLAHOMA CORPORATION COMMISSION							
-ARCO OIL AND GAS COMPANY			RECEIVED: 02/18/81 JA: OK				
8118303	07239	3504321047	103	TEUDIE G WOODS #2	PUTNAM	365.0	MICHIGAN WISCONSIN P
-CONSOLIDATED OIL & GAS INC			RECEIVED: 02/18/81 JA: OK				
8118311	07213	3500700000	108	HINZ NO 1	LIGHT	14.0	PANHANDLE EASTERN PI
-DALCO PETROLEUM INC			RECEIVED: 02/18/81 JA: OK				
8118306	07022	3507322478	103	RODNEY #2	SOONER TREND	91.3	CITIES SERVICE GAS C
-EASON OIL COMPANY			RECEIVED: 02/18/81 JA: OK				
8118315	07246	3501721332	103	C A HENDERSON #2	YUKON	365.0	DORIC PETROLEUM INC
8118314	07247	3501721560	103	C A HENDERSON #3	YUKON	348.6	DORIC PETROLEUM INC

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8118316	07244	3501721341	103	TULLOS-HENDERSON #2	YUKON	365.0	DORIC PETROLEU INC
8118317	07245	3501721561	103	TULLOS-HENDERSON #3	YUKON	346.4	DORIC PETROLEUM INC
-ELCOOL CORP				RECEIVED: 02/18/81 JA: OK			
8118306	06695	3515300000	108	WALTERMIRE NO 1	PERRY	16.2	CITIES SERVICE GAS C
-F C D OIL CORP				RECEIVED: 02/18/81 JA: OK			
8118302	07243	3508321310	103	MCPEEK 1-6	N E CRESCENT	18.3	EASON OIL CO
-GREAT SOUTHERN ENTERPRISES INC				RECEIVED: 02/18/81 JA: OK			
*8118313	07266	3514721489	103	MADRON A4	MADRON LEASE	0.0	KANOKLA ENERGY CORP
-GULFSTREAM PETROLEUM CORP				RECEIVED: 02/18/81 JA: OK			
8118300	07227	3503720454	103	WALTON NO 1	UNALLOCATED POOL	76.0	SUN GAS CO
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 02/18/81 JA: OK			
8118312	07265	3504722112	103	SCHLER #1	NORTH MARSHALL	150.0	ARCO OIL & GAS CO
-LEEDE OIL & GAS INC				RECEIVED: 02/18/81 JA: OK			
8118305	06699	3515321034	103	WYCOFF 1-A	S W FREEDOM	0.0	PANHANDLE EASTERN P
-NEVA ASSOCIATES				RECEIVED: 02/18/81 JA: OK			
8118299	07042	3507121861	103	KELLE #2 -23	EAST BLACKWELL	0.0	CITIES SERVICE GAS C
8118307	07041	3507121869	103	KEMNITZ #1-23	EAST BLACKWELL	8.0	CITIES SERVICE GAS C
-PETRO-LEWIS CORPORATION				RECEIVED: 02/18/81 JA: OK			
*8118304	05083	3505520039	108	P L TEDFORD #1-24	NORTHEAST WILLOW	12.1	WILLOW PIPELINE CO
-S K TUTHILL & B J BARBEE				RECEIVED: 02/18/81 JA: OK			
8118309	07056	3515121038	103	#1-27 WOOLLEY	FAIRVALLEY	200.0	PANHANDLE EASTERN PI
-SENECA OIL COMPANY				RECEIVED: 02/18/81 JA: OK			
8118310	06995	3507920348	103	CRAM #1	WEST CEDARS	400.0	ARKANSAS LOUISIANA G
-VULCAN ENERGY CORP				RECEIVED: 02/18/81 JA: OK			
8118318	07140	3507322326	103	DUFFY #1	N E LOYAL	100.0	CITIES SERVICE CO
-WILLIAM H DAVIS				RECEIVED: 02/18/81 JA: OK			
8118301	07238	3508321385	103	PRITCHETT #2	N W RUSSELL	63.0	EASON OIL CO
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WEST VIRGINIA DEPARTMENT OF MINES							
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-APPALACHIAN EXPLORATION & DEVEL INC				RECEIVED: 02/17/81 JA: WV			
8118277		4708100526	103	BEAVER COAL CO A-59	TOWN	45.0	COLUMBIA GAS TRANSMI
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/81 JA: WV			
8118290		4710720912	103	N WESTBROOK #1	UNION	17.0	
8118291		4710720913	103	N WESTBROOK #2	UNION	17.0	
8118271		4710720924	103	T CORBIN #3	UNION	17.0	
-CHESTERFIELD CORP				RECEIVED: 02/17/81 JA: WV			
8118266		4709701930	103	D CHILDERS NO 2 - UPS - 1930		32.5	COLUMBIA GAS DISTRIB
8118267		4709701937	103	D FINNEGAN #2 - UPS - 1937		16.5	PARTNERSHIP PROPERTI
8118282		4709701936	103	FINNEGAN #7 - UPS - 1936		20.3	PARTNERSHIP PROPERTI
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 02/17/81 JA: WV			
8118293		4705900913	107	COTIGA DEVELOPMENT 820567	WEST VIRGINIA FIELD AREA	129.0	COLUMBIA GAS TRANS C
8118296		4700500588	107	HORSE CREEK L & M 805274	WEST VIRGINIA FIELD AREA	3.6	COLUMBIA GAS TRANS C
8118295		4704301833	107	HORSE CREEK TRACT 801089	WEST VIRGINIA FIELD AREA	0.7	COLUMBIA GAS TRANS C
8118294		4703902612	107	KING LAND COMPANY 809806	FIELD AREA A	11.5	COLUMBIA GAS TRANS C
8118297		4703902613	107	KING LAND COMPANY 809807	FIELD AREA A	5.0	COLUMBIA GAS TRANS C
-DEVON CORPORATION				RECEIVED: 02/17/81 JA: WV			
*8118276		4707900847	103	#862 CECIL HIGGIN BOTHAM	MIDWAY	27.0	DEVON PIPELINE CO
*8118274		4707900940	103	#930 THOMAS N BAKER	MIDWAY	16.0	DEVON PIPELINE CO
*8118275		4707900939	103	#931 HOLLIS STONER	MIDWAY	16.0	DEVON PIPELINE CO
-FMF OIL & GAS PROPERTIES				RECEIVED: 02/17/81 JA: WV			
8118263		4708300294	102	D KING #1 A ARMAND #1	ROARING CREEK DISTRICT D	55.0	COLUMBIA GAS TRANSMI
8118262		4708300295	102	D KING #1 B ARMAND #2 (RICOTTILLI #2)	ROARING CREEK DISTRICT	55.0	COLUMBIA GAS TRANSMI

JD NO	JA/WKI	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-J & J ENTERPRISES INC				RECEIVED: 02/17/81 JA: WV			
8118269		4709720580	103	J-80	UNION	200.0	COLUMBIA GAS TRANSMI
-JAMES F SCOTT				RECEIVED: 02/17/81 JA: WV			
8118272		4703302324	103	CUTLIP-LAYFIELD S-301	SARDIS DISTRICT	26.0	CONSOLIDATED GAS SUP
8118281		4703302332	103	ELIZA ROBINSON S-290	EAGLE DISTRICT	26.0	CONSOLIDATED GAS SUP
8118288		4703302250	103	HAROLD GAINS (S-293)	UNION DISTRICT	26.0	CONSOLIDATED GAS SUP
-NRM PETROLEUM CORPORATION				RECEIVED: 02/17/81 JA: WV			
8118264		4709702037	103	DEAN B #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRANSMI
8118265		4709702004	103	MCCLAIN #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRANSMI
8118270		4709701978	103	OSBORN #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8118287		4709701977	103	OSBORN #2	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8118286		4709702003	103	ZICKEFOOSE #1	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED: 02/17/81 JA: WV			
8118266		4706100724	103	D JACOB DAUGHERTY #1	PHILIPPI	0.0	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY				RECEIVED: 02/17/81 JA: WV			
8118265		4708702874	108	D R A WEBB #4	SMITHFIELD	1.6	CONSOLIDATED GAS SUP
-QUAKER STATE OIL REFINING CORP				RECEIVED: 02/17/81 JA: WV			
8118292		4702920087	107	HILLCREST FARMS #1	CLAY DISTRICT	18.3	COLUMBIA GAS TRANSMI
-R & S GAS COMPANY				RECEIVED: 02/17/81 JA: WV			
8118283		4708504341	103	L D HEFFNER NO 2	MURPHY DISTRICT	12.0	CABOT CORP
-STONESTREET LANDS CO				RECEIVED: 02/17/81 JA: WV			
8118273		4701501716	103	S W BRYANT #1-S-26	ELMIRA	38.0	COLUMBIA GAS TRANSMI
-UNION DRILLING INC				RECEIVED: 02/17/81 JA: WV			
8118260		4709702064	103	R R COLERIDER EST #2 1568	MEADE DISTRICT	0.0	EQUITABLE GAS CO
8118279		4709702051	103	WM W GILMORE ET AL #1 1515	BANKS DISTRICT	0.0	COLUMBIA GAS TRANSMI
-UNION GAS CORP				RECEIVED: 02/17/81 JA: WV			
8118269		4702102904	103	D COLLINS #101	GLENVILLE DISTRICT	25.0	PENNZOIL CO
8118270		4702102949	103	D COLLINS #102	GLENVILLE DISTRICT	60.0	PENNZOIL CO
-WACO OIL AND GAS CO INC				RECEIVED: 02/17/81 JA: WV			
8118264		4702103644	102	D WHITING #7A		40.0	CONSOLIDATED GAS SUP
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
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-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED: 02/20/81 JA: NM 4			
8118404	NM 1734-80	3002527023	103	BUCKSKIN FEDERAL NO 1	DOLLARHIDE-DRINKARD	18.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO				RECEIVED: 02/20/81 JA: NM 4			
8118340	NM-5253-79	3002526091	103	NELLIS FEDERAL #3	UND BUFFALO PENN MORROW	613.2	GAS CO OF NEW MEXICO
-BELCO PETROLEUM CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118378	NM-1698-80	3002526373	103	HAT MESA 13-1	HAT MESA	0.0	TRANSWESTERN PIPELIN
-BTA OIL PRODUCERS				RECEIVED: 02/20/81 JA: NM 4			
8118383	NM-1704-80	3002527029	103	7406 JV-S LEA 21 #3	TANSILL-YATES (COMANCHE-	36.7	EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC				RECEIVED: 02/20/81 JA: NM 4			
8118362	NM-1591-80	3003906326	106	LOWE NO 3	TAPACITO-PICTURED CLIFFS	15.0	GAS CO OF NEW MEXICO
8118402	NM 1732-80 A	3004524320	103	STARK NO 1-M (DAKOTA)	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
8118403	NM 1732-80B	3004524320	103	STARR NO 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
-DAVID FASKEN				RECEIVED: 02/20/81 JA: NM 4			
8118392	NM 1719-80	3001523303	103	EL PASO FEDERAL #5	AVALON (MORROW)	730.0	EL PASO NATURAL GAS
8118393	NM 1720-80	3001523302	103	MARALO FEDERAL #1	AVALON (MORROW)	180.0	EL PASO NATURAL GAS
-DOME PETROLEUM CORP				RECEIVED: 02/20/81 JA: NM 4			
#8118541	NM 1258-80	3004522475	103	FUSSELMAN FEDERAL 2R	NIPP PICTURED CLIFFS	16.7	EL PASO NATURAL GAS
-DOYLE HARTMAN OIL OPERATOR				RECEIVED: 02/20/81 JA: NM 4			
8118394	NM-1721-80	3002527078	103	SAMEDAN-HUGHES FEDERAL NO 1	JALMAT (GAS)	110.0	EL PASO NATURAL GAS

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-EL PASO EXPLORATION CO				RECEIVED: 02/20/81 JA: NM 4			
8118354	NM-1511-80	3003906310	108	JICARILLA 117 E #7 PC	TAPACITO - PICTURED CLIF	19.0	NORTHWEST PIPELINE C
8118372	NM-1658-80	3003906308	108	JICARILLA 119 N #1	TAPACITO - PICTURED CLIF	11.0	NORTHWEST PIPELINE C
-EL PASO NATURAL GAS COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118350	NM-1383-80	3004507606	108	BOLIN A #1	BLANCO MESAVERDE	18.0	EL PASO NATURAL GAS
8118371	NM-1657-80	3004522683	108	HURTON #2	BLANCO-PICTURED CLIFFS	19.0	EL PASO NATURAL GAS
8118345	NM-1367-80	3004520792	108	HURBELL #6	AZTEC PICTURED CLIFFS GA	20.0	EL PASO NATURAL GAS
*8118352	NM-1422-80	3004511904	108	HUERFANITO UNIT #98 DK & MV	BASIN-DAKOTA & BLANCO-ME	18.0	EL PASO NATURAL GAS
8118356	NM-1546-80	3004505788	108	HUERFANO UNIT #138	ANGELS PEAK GALLUP GAS	18.0	EL PASO NATURAL GAS
*8118358	NM-1555-80	3004511944	108	HUERFANO UNIT #159	BASIN-DAKOTA	16.0	EL PASO NATURAL GAS
8118355	NM-1547-80	3004506554	108	KNAUFF #1	FULCHER KUTZ-PICTURED CL	11.0	EL PASO NATURAL GAS
8118369	NM-1643-80	3004513064	108	LACKEY B #18	AZTEC-PICTURED CLIFFS	19.0	EL PASO NATURAL GAS
8118344	NM-1366-80	3004520547	108	P L DAVIS #3	BASIN DAKOTA	19.0	EL PASO NATURAL GAS
8118348	NM-1374-80	3003906970	108	RINCON UNIT #115 PCCMV	SOUTH BLANCO-PICTURED CL	20.0	EL PASO NATURAL GAS
8118347	NM-1373-80	3003907037	108	RINCON UNIT #123	BLANCO-MESAVERDE	15.0	EL PASO NATURAL GAS
*8118346	NM-1371-80	3004508130	108	SAN JACINTO #6	BASIN-DAKOTA	19.0	EL PASO NATURAL GAS
8118360	NM 1589-80	3003922357	103	SAN JUAN 27-4 UNIT #29A	BLANCO MESAVERDE	70.0	EL PASO NATURAL GAS
8118370	NM-1650-80	3003920674	108	SAN JUAN 28-4 UNIT #36	BASIN DAKOTA	14.0	EL PASO NATURAL GAS
8118368	NM-1641-80	3003907330	108	SAN JUAN 28-5 UNIT #1	BLANCO-MESAVERDE GAS	14.0	EL PASO NATURAL GAS
8118343	NM-1363-80	3003906906	108	SAN JUAN 28-7 UNIT #123	BLANCO SOUTH - PICTURED	17.0	EL PASO NATURAL GAS
*8118353	NM-1457-80	3003920875	108	SAN JUAN 28-7 UNIT #216	BASIN DAKOTA	20.0	EL PASO NATURAL GAS
8118357	NM-1549-80	3003921082	108	SAN JUAN 28-7 UNIT #240	LARGO - CHACRA	18.0	EL PASO NATURAL GAS
8118359	NM-1557-80	3003900000	108	SAN JUAN 29-7 UNIT #85	BLANCO-MESAVERDE	13.0	EL PASO NATURAL GAS
*8118351	NM-1387-80	3003907464	108	SAN JUAN 29-7 UNIT #97	BLANCO MESAVERDE	20.0	EL PASO NATURAL GAS
8118349	NM-1379-80	3004509460	108	SCHUMACHER #11	BASIN-DAKOTA	20.0	EL PASO NATURAL GAS
-DUGAN PRODUCTION CORP				RECEIVED: 02/20/81 JA: NM 4			
8118365	NM 1610-80	3004500000	103	APRIL SURPRISE #2	BASIN DAKOTA	80.0	EL PASO NATURAL GAS
-GULF OIL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118398	NM 1726-80	3001522313	103	GRYNBERG A FEDERAL #1	EAGLE CREEK PERMO PENN	175.0	EL PASO NATURAL GAS
-HARVEY E YATES COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118399	NM 1727-80	3002526625	103	WEST LYNCH FEDERAL #1		40.0	
-J GREGORY MERRION&ROBERT L BAYLESS				RECEIVED: 02/20/81 JA: NM 4			
8118390	NM 1713-80	3004320495	103	BADLAND FLATS #2	SO BLANCO PIC CLIFFS	30.0	EL PASO NATURAL GAS
8118379	NM 1699-80	3004523923	103	CHACO #13	WAW FRUITLAND PIC CLIFFS	30.0	EL PASO NATURAL GAS
8118380	NM-1700-80	3004523924	103	CHACO #14	WAW FRUITLAND PIC CLIFFS	11.0	EL PASO NATURAL GAS
-LAYTON ENTERPRISES INC				RECEIVED: 02/20/81 JA: NM 4			
8118360	NM 1617-80	3004120430	103	KIRKPATRICK FEDERAL #8	BLUITT WOLFCAMP	1.8	WARREN PETROLEUM CO
-MCCLELLAN OIL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118342	NM-1293-80	3000560672	102	PJ FEDERAL NO 1 NM-11596	WILDCAT (ABO)	182.5	TRANSWESTERN PIPELIN
-MESA PETROLEUM				RECEIVED: 02/20/81 JA: NM 4			
8118363	NM 1607-80	3004524058	103	FEDERAL #10E	BASIN DAKOTA	130.0	EL PASO NATURAL GAS
8118364	NM 1608-80	3004523904	103	FEDERAL 9E	BASIN DAKOTA	36.0	EL PASO NATURAL GAS
8118376	NM-1695-80A	3004523146	103	GAGE FEDERAL #3 (DAKOTA)	BASIN DAKOTA	90.0	EL PASO NATURAL GAS
8118377	NM-1695-80 B	3004523146	103	GAGE FEDERAL #3 (MV)	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8118375	NM-1694-80B	3004534064	103	TRIEB FEDERAL #2E (DAKOTA)	BASIN DAKOTA	120.0	EL PASO NATURAL GAS
8118374	NM-1694-80A	3004534064	103	TRIEB FEDERAL #2E (MV)	BLANCO MESAVERDE	350.0	EL PASO NATURAL GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 02/20/81 JA: NM 4			
8118405	NM 1735-80	3003922450	103	LINDRITH B UNIT NO 7	CHACON-DAKOTA ASSOCIATED	182.5	EL PASO NATURAL GAS
8118397	NM 1725-80	3003922423	103	LINDRITH B UNIT NO 9	CHACON DAKOTA ASSOCIATED	60.2	EL PASO NATURAL GAS
-ODESSA NATURAL CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118361	NM 1590-80	3004320446	103	CHACON JICARILLA D #19	CHACON DAKOTA	86.0	EL PASO NATURAL GAS
-RHONDA OPERATING CO				RECEIVED: 02/20/81 JA: NM 4			

JD NO	JA JRT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8118375	NM 1665-80	3004526746	103	FEDERAL 33 NO 1	SAWYER (SAN ANDRES)	17.5	WARREN PETROLEUM CO
-SOUTHLAND ROYALTY CO				RECEIVED: 02/20/81 JA: NM 4			
8118400	NM 1731-80A	3004523622	103	KEESE MESA #6 (DAKOTA)	BASIN	80.0	NORTHWEST PIPELINE C
8118401	NM 1731-80B	3004523622	103	KEESE MESA #6 (MV)	BLANCO	10.0	NORTHWEST PIPELINE C
8118387	NM 1710-80A	3004523872	103	RICHARDSON #10E (DAKOTA)	BASIN	95.0	SOUTHERN UNION GATHE
8118388	NM 1710-80B	3004523872	103	RICHARDSON #10E (FRUITLAND)	UNDESIGNATED	75.0	SOUTHERN UNION GATHE
8118389	NM 1712-80	3004523320	103	THOMPSON #7A	FLORA VISTA	80.0	SOUTHERN UNION GATHE
-TENNECO OIL COMPANY				RECEIVED: 02/20/81 JA: NM 4			
8118395	NM 1722-80	3004524184	103	FLORANCE C #8 E	BASIN DAKOTA	0.0	EL PASO NATURAL GAS
8118391	NM 1718-80	3004523948	103	KUSSEL #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118382	NM-1703-80	3004524050	103	RUSSELL #2	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118381	NM-1702-80	3004523968	103	RUSSELL #3	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8118396	NM 1723-80	3004524031	103	VANDERWART #2	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION				RECEIVED: 02/20/81 JA: NM 4			
8118386	NM 1709-80	3001523262	103	FEDERAL CW-8 #7	PENASCO DRAW SA YESO ASS	0.0	TRANSWESTERN PIPELIN
8118384	NM-1707-80	3001523438	103	OAKASON NV FEDERAL #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8118367	NM-1622-80	3002526496	102	PRONGHORN UNIT #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8118385	NM-1708-80	3001560699	103	SAVAGE NI FEDERAL #1	UNDISCOVERED SAN ANDRES	0.0	TRANSWESTERN PIPELIN
** BUREAU OF INDIAN AFFAIRS, USAGE AGENCY, PAWHUSKA,OK							
-C SCOTT VAIL				RECEIVED: 02/23/81 JA: OK 8			
8118406		3511300000	103	STUART #4	SOUTH BARNSDALL	10.0	PHILLIPS PETROLEUM C
-CN OPERATING CO				RECEIVED: 02/18/81 JA: OK 8			
8118298		3511300000	103	DRAKE #3	ATLANTIC	110.0	PHILLIPS PETROLEUM C
-LOOKOUT OIL & GAS ASSOCIATES				RECEIVED: 02/23/81 JA: OK 8			
8118407		3511300000	108	SOUTH LOOKOUT #2	EAST PAWHUSKA	14.5	NATIONAL ZINC CO
-SPRING ENERGY INC				RECEIVED: 02/23/81 JA: OK 8			
8118408		3511300000	103	WOOLAROC #1-S	WOOLAROC	10.0	NATIONAL ZINC CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 02/23/81 JA: OK 8			
8118411		3511300000	103	CHAPMAN BARNARD #25	SOUTH DOG CREEK	9.5	PHILLIPS PETROLEUM
8118410		3511300000	103	CHAPMAN-BARNARD #24	SOUTH DOG CREEK	0.4	PHILLIPS PETROLEUM
-WILLIAM E OARK & ASSOCIATES				RECEIVED: 02/23/81 JA: OK 8			
8118409		3511300000	103	ZINK 5	NORTH LAKEVIEW AREA	36.0	PHILLIPS PETROLEUM C

OTHER PURCHASERS

8118261	ST REGIS PAPER CO
8118274	EASON OIL CO
8118275	EASON OIL CO
8118276	EASON OIL CO
8118304	ARKANSAS LOUISIANA GAS CO
8118313	CITIES SERVICE GAS COMPANY
8118341	NATURAL GAS PIPE LINE OF AMERICA
8118346	NORTHWEST PIPELINE CORP
8118351	NORTHWEST PIPELINE CORP
8118352	SOUTHERN UNION GATHERING CO
8118353	NORTHWEST PIPELINE CORP
8118358	SOUTHERN UNION GATHERING CO
8118412	NORTHERN NATURAL GAS CO
8118413	NORTHERN NATURAL GAS
8118430	NORTHERN NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 1, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-8197 Filed 3-16-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59045; TSH-FRL 1780-8]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of two applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by March 27, 1981. Persons should submit written comments on the applications no later than April 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-221, Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA [90 Stat. 2012 (15 U.S.C. 20604)], any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Interested persons may, on or before April 1, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59045]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81-3

The following summary is taken from the data submitted by the manufacturer

in the test marketing exemption application.

Close of Review Period. March 27, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polydimethylsiloxane, alkyl and terpenyl substituted.

Use. Selicone coating polymer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance and odor—Viscous amber liquid, slight terpene odor.

Specific gravity ($H_2O=1$—0.98.

Percent volatile by volume—0.

Solubility in water—Negligible.

Flashpoint (PMCC)—250° F.

Toxicity Data

Oral LD_{50} (rat)—52 gm/kg. Range 47–60 gm/kg.

Skin and eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that a limited number of workers may be exposed demally during the test marketing period.

Environmental Release/Disposal. No data were submitted.

TM 81–4

The following summary is taken from the data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. March 27, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Aryl)oniumpolyhalo salt of semi-metal.

Use. Selicone coating polymer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. The chemical is a viscous, syrupy fluid at room temperature.

Toxicity Data

Primary eye irritation (rabbit)—Primary eye irritant. Grade range 15–25/110.

Primary skin irritation (rabbit)—Non-irritant.

Acute dermal toxicity (rabbit)—MLD >2,000 mg/kg.

Acute oral toxicity (rat)—MLD >500 mg/kg. MLD >5,000 mg/kg.

Mutagenicity Screening/*Salmonella* Microsomal Assay:

TA1537 (without enzyme activation)—Positive.

TA1535 (with enzyme activation)—Positive.

TA1538, TA98, TA100—Negative.

DNA Repair

Pol A$^+$—No effects observed.

Pol A$^-$—No effects observed.

In-*vitro* Point Mutation:

BALB/3T3 cells—Cytotoxic, dose related mutants without enzyme activation were recorded.

Exposure. The manufacturer states that a limited number of workers may be exposed dermally during the test marketing period.

Environmental Release/Disposal. No data were submitted.

[FR Doc. 81-8093 Filed 3-16-81, 8:45 am]

BILLING CODE 6560-31-M

[PF-218; PH-FRL 1780.2]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Monsanto Co. has filed pesticide petitions with EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–218]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2455. Monsanto Co., 1101 17th St.,NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.364 by increasing the proposed tolerance for the combined residues of the herbicide glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity cottonseed from 6 parts per million to 15 parts per million. The proposed analytical method for determining residues is gas chromatography using a phosphorous-specific photometric detector.

PP 1F2460. Mansanto Co., 1101 17th St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.314 by establishing tolerances for residues of the herbicide *S*-2, 3, 3-trichloroallyl diisopropylthiocarbamate in or on the following raw agricultural commodities: sunflower seed, mustard seed, safflower seed, flax seed, and buckwheat seed at .02 part per million. The proposed analytical method for determining residues is gas chromatography using a electron capture detector.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: March 6, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8090 Filed 3-16-81, 8:45 am]

BILLING CODE 6560-32-M

[OPP-50525; PH-FRL 1780-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits to the following applicants: Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464–EUP–65. Dow Chemical Co., PO Box 1706, Midland, MI 48640. This experimental use permit allows the use of 1,000 pounds of the insecticide chlorpyrifos on wheat to evaluate control of aphids, brown wheat mites, grasshoppers, army worms, and cutworms. A total of 400 acres are involved. The program is authorized only in the States of Illinois and Texas. The experimental use permit is effective from January 9, 1981 to January 9, 1982. The experimental use permit is issued under the special condition that all treated crops be destroyed and that livestock may not be permitted to graze in treated areas or be fed treated crops listed in this permit. (PM

12. Jay S. Ellenberger, Rm. 400, CM#2, 703–557–7024.)

8590–EUP–3. Agway, Inc., Chemical Div., PO Box 4933, Syracuse, NY 13221. This experimental use permit allows the use of the active ingredient of the herbicide Alkanolamine salt of dinoseb (2-sec-butyl-4,6-dinitrophenol) on field and sweet corn to evaluate its use as a plant growth regulator. A total of 8,000 acres are involved (4,000 acres per year over a 2-year period). The program is authorized only in the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Wisconsin. The program is effective from March 1, 1981 to March 1, 1983. A permanent tolerance for residues of the active in or on the raw agricultural commodities corn fodder and forage, corn grain including popcorn; and fresh corn including sweet corn has been established (§ 180.281). (PM 23, Richard F. Mountfort, Rm. 412D, 703–557–7070).

11273–EUP–18. Sandoz, Inc., Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92180. This experimental use permit allows the use of 30,000 pounds (24,000 pounds of the active ingredient norflurazon 4-chloro-5- (methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone) of the herbicide norflurazone on soybeans to evaluate control of grass and broadleaf weeds. A total of 15,000 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. This experimental use permit is effective from January 21, 1981 to April 20, 1982. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (PM 23, Richard F. Mountfort, Rm. 412D, 703–557–7070).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries regarding these permits should be directed to the persons given above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (21 U.S.C. 136))

Dated: March 6, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-8091 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180569; PH-FRL 1780-6]

Washington; Issuance of Specific Exemption for Nemacur on Raspberries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") for the use of Nemacur 3 EC on 2,000 acres of raspberries in Washington to control the lesion nematode. The specific exemption was granted under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: The Applicant reports that the lesion nematode *Pratylenchus penetrans* is the major nematode problem for Washington raspberry growers. It causes damage to raspberry plant roots, and when high populations of nematodes develop, plants lose vigor and the ability to produce good crops, according to the Applicant. The Applicant indicates that the problem is an emergency for those who are losing production, cane growth, and land usable for raspberries.

No products are registered for post-plant use on raspberries. DBCP was registered for post-planting use on raspberries, but registration was withdrawn in 1977. Since then raspberry growers have been left with no feasible nematode control method in established plantings. The Applicant indicates that losses to growers due to uncontrolled nematode infestations could reach $0.8 million.

The Applicant proposed to make a single application of Nemacur 3 EC which contains the active ingredient (a.i.) ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate.

EPA has determined that the combined residues of Nemacur and its sulfoxide and sulfone metabolites in or on raspberries resulting from the proposed use should not exceed 0.1 part per million (ppm). This level has been judged adequate to protect the public health. While some nontarget wildlife mortality may occur from this use, EPA does not anticipate an unreasonable threat to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 1, 1981, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Nemacur 3 EC (EPA Reg. No. 3125–283), manufactured by Mobay Chemical Corp., may be applied at a rate of 6 to 12 pounds a.i. per acre.

2. Applications will be made to established plantings.

3. Applications will be made only when State personnel determine that populations of lesion nematode are sufficient to warrant treatment.

4. A single ground application will be made when adequate rainfall can be expected to incorporate the nematocide.

5. A maximum of 2,000 acres may be treated.

6. Applications will be made by State-certified private or commercial applicators.

7. All applicable directions, restrictions, and precautions on the EPA-registered product label must be followed.

8. Nemacur must not be applied to any body of water and drift reduction precautions must be observed. The pesticide is not to be applied where excessive runoff is likely to occur. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes or excess pesticides.

9. Nemacur is highly toxic to wildlife. It is recommended that the Washington State Department of Game be provided the opportunity to observe the application of Nemacur and monitor its effects on wildlife populations. If any wildlife mortality occurs, it should be reported to the Washington State Department of Game.

10. Treatment of raspberries as proposed should not result in the combined residues of ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its sulfoxide and sulfone metabolites exceeding 0.1 ppm in or on raspberries. Raspberries with residues not exceeding 0.1 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action.

11. EPA shall be immediately informed of any adverse effect resulting from the use of this pesticide in connection with this exemption.

12. The Applicant shall be responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of this program by August 15, 1981.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: February 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-8092 Filed 3-16-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Radio Broadcasting and Its Technical and Allocations Subgroups; Meeting

March 5, 1981.

The following open meeting will be held on Tuesday, April 7, 1981, at the time stated below, in Room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The twelfth meeting of the Advisory Committee on Radio Broadcasting, starting at 12:30 p.m. The agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
4. Reconvening of meeting of the Advisory Committee;
5. Receipt of reports by Allocations Subgroup;
6. Receipt of reports by Technical Subgroup;
7. Other business;
8. Future meeting dates;
9. Adjournment.

B. The fifth meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 3 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported by designated persons;
5. Other business;
6. Next meeting date;
7. Adjournment.

C. The fifth meeting of the Subgroup on Technical Matters, starting upon conclusion of the fifth meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Reports on tasks performed by members of the Subgroup;
4. Assignment of further tasks to be performed and reported to the Subgroup;
5. Other business;
6. Next meeting date;
7. Adjournment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-8057 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-132; File No. BPCT-5128 et al.]

Channel 24 Christian Television, Inc., et al.; Hearing Designation Order

In the matter of Channel 24 Christian Television, Inc., Portland, Oregon: [BC Docket No. 81-132 File No. BPCT-5128]; Tavitac Corporation, Portland, Oregon: [BC Docket No. 81-133 File No. BPCT-5200]; National Subscription Television of Portland, Inc., Portland, Oregon: [BC Docket No. 81-134 File No. BPCT-5201]; Broadcast Associates, Inc. Portland, Oregon; For Construction Permit; [BC Docket No. 81-135; File No. BPCT-5202]

Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: February 27, 1981.

Released: March 10, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 24, Portland, Oregon; informal objections to the grant of Channel 24 Christian Television, Inc.'s application, filed by Barbara J. Safriet, on behalf of the Healy Heights-Council Crest Neighborhood Association, and by G. Ray and Jeanne H. Steed; a petition for leave to amend and an accompanying amendment, filed by Tavitac Corporation (Tavitac); a request for extension of time to comment on Tavitac's petition, filed by Channel 24 Christian Television, Inc. (Channel 24); Channel 24's comments; Tavitac's motion to strike Channel 24's comments; [1] Channel 24's motion for extension of time to respond to Tavitac's motion to strike; Tavitac's reply; and other related pleadings.[2] Also before the Commission is Tavitac's amendment; an erratum thereto; Channel 24's amendment; and Tavitac's comment on Channel 24's amendment.[3]

2. Channel 24's and BAI's proposed antenna site locations each could result in interference to a nearby standard broadcast station. Accordingly, a grant of either of the aforementioned applications will be conditioned on the applicant's installation of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of any affected standard broadcast station.

3. The applications of BAI and NSTP contemplate operating subscription television (STV) over their proposed facilities. These parties have applications for STV authorizations pending before the Commission. The STV applications will not be consolidated for hearing in this proceeding, however. STV is essentially an entertainment format comparable to other entertainment packages except that it is supported directly by viewers' subscriptions rather than by advertising revenues. Accordingly, the Commission's reluctance to compare applicants on the basis of entertainment formats expressed in *George E. Cameron, Jr. Communications*, 71 FCC 2d 460 (1979), provides ample precedent for precluding consideration of STV proposals in otherwise routine hearings on applications for television construction permits. If an applicant

[1] Tavitac's motion to strike and the subsequent pleadings filed by Tavitac and Channel 24 constitute unauthorized filings under Section 1.45(c) of the Commission's Rules, 47 CFR 1.45(c). However, inasmuch as they will not cause delay, we will permit their consideration. In both its petition and its motion to strike Tavitac described the circumstances which necessitated the filing of its amendment after the deadline for amending as of right had passed. Tavitac indicates that its original site became unavailable and that it exercised due diligence in both finding an alternate site and reporting the change to the Commission. Petitioner explicitly denounces any intention to accrue comparative advantage by virtue of filing of its amendment and points out that acceptance of the amendment would obviate the necessity for enlarging the hearing by inclusion of a site availability issue. The Bureau finds that petitioner has made the requisite good cause showing necessary for acceptance of a late filed minor amendment. 47 CFR 73.522(b)(1). Accordingly we shall grant the petition to amend and accept the amendment.

[2] Both Channel 24 and Tavitac have requested an extension of time in order to respond to the other's pleading. Inasmuch as the extensions would not interfere with the Commission's procedures, they are granted.

[3] In *Revised Procedures for Processing of Contested Broadcast Applications*, 72 FCC 2d 202, 211 (1979), the Commission stated that once the time for amending as of right had passed, amendments filed pursuant to Section 1.65 will be permitted: "* * * provided that no comparative advantage is claimed thereby * * *" Channel 24 filed a petition for leave to amend on January 14, 1981, beyond the date prescribed by the Commission for amending its application as of right. The amendment states that the applicant has applied for consent to assign its permit for a new noncommercial FM station in Alaska. Since the assignment of a broadcast interest could improve the applicant's comparative position, the amendment will be accepted pursuant to Section 1.65 of the Rules; however no comparative advantage shall thereby be accrued.

proposing STV operation should prevail in this proceeding, its application for subscription television authorization will be promptly processed.

4. *Channel 24 Christian Television, Inc.* Analysis of the financial data submitted by the applicant reveals that $529,236 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$382,716
Equipment payments with interest	74,630
Building	11,500
Operating costs including land rental (3 months)	60,390
Total	529,236

Channel 24 plans to finance construction and operation with the following funds: $525,000 in loan commitments from religious institutions and private individuals, $144,000 in donations, $78,000 in cash, and $622,000 in program commitments.

5. Applicant relies on $525,000 in loan commitments from various private parties to finance its station. However, only one lender, William O. Hammerbeck, has provided sufficient financial information to indicate he has adequate net liquid assets to meet his $35,000 commitment. Applicant cannot rely on $144,000 in donation pledges since it failed to provide donors' balance sheets indicating they have sufficient net liquid assets to meet their commitments. The *New Financial Qualifications Standard for Broadcast Television Applicants*, 72 FCC 2d 784 (1979), requires an applicant to demonstrate its ability to construct its proposed station and operate for three months without reliance upon broadcasting or other revenue. Therefore, applicant's reliance upon $622,000 in programming commitments is misplaced. Accordingly, an appropriate financial issue will be designated.

6. Two informal objections have been filed against the applicant. Barbara J. Safriet filed an informal objection on May 16, 1978, on behalf of the Healy Heights-Council Crest Neighborhood Association. Objector claims that placement of applicant's tower on Healy Heights would increase the level of non-ionizing radiation in the area, which she alleges presently has the highest such level in the country. G. Ray and Jeanne H. Steed filed an informal objection on May 19, 1978, which also expresses concern over an increase in non-ionizing radiation in the area. In addition, the Steeds fear that the tower would constitute a hazard to residences located near the tower. They claim that during the winter ice which forms on the upper sections of the tower would fall onto the houses located near the structure. The Commission has the statutory obligation, under the public interest standard of the Communications Act and other federal statutes, to consider the possible effects on public health and safety of the equipment the Commission licenses.[4] Because this agency does not possess the same level of expertise as do expert agencies with regard to the biological effects of non-ionizing radio frequency radiation, the Commission ordinarily refers to the standards set by expert agencies such as the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA).[5] Although OSHA and the American National Standards Institute (ANSI) have both adopted a standard of 10 mW/cm2 for short-term exposure to non-ionizing radiation, there is no national standard as of yet with regard to general population exposure. The EPA is currently considering proposing a general population exposure standard. If it does, the Commission may take that standard into account in its licensing proceedings. Since no national standard now exists,[6] and since the level of radiation measured at Healy Heights is well below the short-term exposure standard, we decline to specify an issue regarding the health effects of electromagnetic radiation in this proceeding.[7] Further no issue will be designated concerning the potential ice hazard the tower might pose to surrounding residences. We consider this a matter within the ambit of local health, safety and zoning agencies. Accordingly, the informal objections of Barbara Safriet and G. Ray and Jeanne H. Steed shall be denied.

7. *National Subscription Television of Portland, Inc.* Analysis of the financial data submitted by NSTP reveals that $1,491,500 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$792,500
Equipment payments with interest	208,000
Land (down payment only)	220,000
Building	90,000
Miscellaneous	82,000
Operating costs (3 months)	159,000
Total	1,491,500

NSTP plant to finance construction and operation with the following funds: a $3,350,000 loan from Tandem Productions Inc. (Tandem) and $10,000 in existing capital.

8. An applicant must list all of its anticipated expenditures. See Form 301, Section III, page 1, question 1(a). Applicant states that it will spend $220,000 as a down payment for its land. However, applicant failed to disclose the full purchase price of the land. Accordingly, an issue will be specified to determine what the purchase price of the land will be and what portion of it, if any, must be paid during the first three months of operation.

9. FCC Form 301, Section III, question 4(b) requires any party (except an equipment manfacturer or financial institution) loaning an applicant more than one percent of its needed capital, to provide a balance sheet which indicates the party's financial ability to comply with the terms of the agreement. Tandem plans to lend NSTP $3,350,000. However, Tandem submitted a financial statement which failed to segregate its current liabilities from its long-term liabilities. Thus, it is impossible to determine whether Tandem has net liquid assets sufficient to fulfill its loan commitment. Further, Tandem's last loan commitment letter has expired, and, according to the letter: "Extensions of this commitment * * * are subject to further resolution of the Board of Directors of Tandem." In light of the absence of a further extension of Tandem's loan commitment and Tandem's failure to demonstrate it has net liquid assets sufficient to fulfill its loan commitment, NSTP cannot rely on the loan. However, NSTP has shown it has $10,000 in existing capital. Accordingly, an issue will be designated to determine whether over and above the $10,000 mentioned above, applicant can obtain the additional funds necessary to construct and operate its proposed television station for three months.

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[4] *See Notice of Inquiry on the Responsibility of the Federal Communications Commission to Consider the Biological Effects of Radio Frequency Radiation*, 44 FR 37008, 37010 (1979).

[5] *Id.*

[6] While a national standard has not yet been formulated, the city of Portland has set a general exposure standard. The city's zoning code permits the construction and operation of broadcast transmitter facilities if the additional transmitter would not result in a threat to health or safety as defined by the general population exposure standards adopted by the City on Jan. 8, 1960. *See Standards for General Population Exposure to Microwave and Radiofrequency Emissions* (Jan. 8, 1960). Special Supplement to Nov. 16, 1979, Staff Report to the Portland Planning Commission.

[7] Dr. Richard A. Tell of the EPA measured radiation at level of 14–153 uW/cm2 in the Healy Heights neighborhood. Letter from Richard A. Tell to Dr. William E. Morton, 10/17/77. This level is about 100 times lower than the 10 mW/cm2 standard for short-term exposure, and is about 10 times lower than the general population long-term exposure standard of 1 mW/cm2 in force or under consideration by several other countries. *See Notice of Inquiry on the Responsibility of the Federal Communications Commission to Consider the Biological Effects of Radio Frequency Radiation, supra* at 37011

10. *Broadcast Associates, Inc.* Analysis of the financial data submitted by applicant reveals that $1,254,920 will be required to construct the proposed station and operate it for three months, itemized as follows:

Equipment (rental)	$367,920
Land	112,000
Building	50,000
Miscellaneous	350,000
Operating costs (3 months)	375,000
Total	1,254,920

BAI plans to finance construction and operation with the following funds: $1,250,000 in capital contributions from its shareholders, $66,667 from American Subscription of Portland, and $1,815 in cash.

11. BAI relies on $1,250,000 in capital contributions from its shareholders. Applicant's reliance is misplaced since it neglected to provide a copy of the agreement binding its shareholders to contribute and failed to provide shareholders' balance sheets indicating the availability of sufficient net liquid assets. Applicant also relies on payment of $66,667 from American Subscription of Portland, Inc. (ASTP) to finance the construction and operation of its proposed station for the first three months. BAI alleges that ASTP has guaranteed payment of $66,667 for use of applicant's air-time during the first three months of operation. Payment presupposes the grant of applicant's subscription television application. Since the grant of a construction permit and the authorization of subscription television service are made independently, BAI's reliance upon $66,667 in subscription television commitments is misplaced. Accordingly, an appropriate financial issue will be designated.

12. 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.

13. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Channel 24 Christian Television, Inc., has an additional $416,236 to finance the construction and operation of its proposed station.

2. To determine, based on the evidence adduced above, whether Channel 24 Christian Television, Inc. is financially qualified.

3. To determine with respect to National Subscription Television of Portland, Inc.:

(a) The full purchase price of the land applicant plans to buy;

(b) What portion of the purchase price, if any, must be paid during the first three months of operations;

(c) In light of the evidence adduced pursuant to (a) and (b) what applicant's proposed station would cost to construct and operate for three months;

(d) The availability of additional funds over and above the $10,000 indicated; and

(e) Whether in light of the evidence adduced pursuant to (a) through (d), applicant is financially qualified.

4. To determine whether Broadcast Associates, Inc., has or can obtain an additional $1,253,105 to finance the construction and operation of its proposed station.

5. To determine, based on the evidence adduced above, whether Broadcast Associates, Inc. is financially qualified.

6. To determine which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That, in the event of a grant of the application of Channel 24 Christian Television, Inc., the construction permit shall be subject to the following condition:

Applicant will install and maintain any detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the affected standard broadcast station, KPAM.

15. It is further ordered, That, in the event of grant of the application of Broadcast Associates, Inc., the construction permit shall be subject to the following condition:

Applicant will install and maintain any detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the affected standard broadcast station, KYTE.

16. It is further ordered, That the informal objections filed by Barbara Safriet and G. Ray and Jeanne H. Steed are denied.

17. It is further ordered, That the petition to amend filed by Tavitač Corporation is granted; its amendment is accepted; its motion to strike Channel 24's comments is denied; Channel 24's petition to amend filed January 14, 1981, is granted; and its amendment is accepted.

18. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

19. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-8059 Filed 3-16-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-24]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: March 11, 1981.

Cut-Off Date: April 27, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after April 27, 1981. An application, in order to be considered with any application appearing on the attached list or with any application on file by the close of business on April 27, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on April 27, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on April 27, 1981.

Notice is also given that the application listed below seeking interim authority to operate the facilities of former stations WMJX (FM), Miami, Florida has been accepted for filing. It will be considered to be ready and available for processing after April 27,

1981. Any other parties who will not be applicants for permanent authority to operate these facilities, in order to be entitled to consideration, should file by the close of business on April 27, 1981.

BPHI–810219AD, WMJX(FM), Miami, Florida, Unique Radio Group, Inc.; 96.5 MHz; Channel No. 243C; ERP: 98 kW; HAAT: 790.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH–791113AD, WTZE–FM, Tazewell, Virginia, Tazewell Broadcasting Company, Inc.; Has: 100.1 MHZ; Channel No. 261A; ERP: 3kW; HATT: −105 ft. (LIC) Req: 100.1 MHz; Channel No. 261A: ERP: 1.8 kW; HATT: 395 ft.

BPH–800729AJ, WCNL–FM, Newport, New Hampshire, Sugar River Broadcasting, Inc.; Has: 101.7 MHz; Channel No. 269A; ERP: 2.8 kW; HATT: 51 ft. (LIC); Req: 101.7 MHz; Channel No. 269A; ERP: .150 kW; HATT: 1088 ft.

BPH–800804AD (new), Havana, Florida, Storm Broadcasting Corporation; Req: 104.9 MHz; Channel No. 285A; ERP: 3kW; HATT: 300 ft. (allocated to Quincy, FL).

BPH–801007AB, WCKR, Hornell, New York, Patricia Enterprises, Inc., Req: 92.1 MHz; Channel No. 221A; ERP: .87 kW; HATT: 510 ft.

BPH–801008AA, WDEN-FM, Macon, Georgia, First Macon Communication Corp., Has: 105.3 MHz; Channel No. 287C; ERP: 50 kW; HAAT: 145 ft. (LIC); Req: 105.3 MHz; Channel No. 287C; ERP: 100 kW; HAAT: 663 ft.

BPH–80101AF, (new), Vanceburg, Kentucky, Ohio Valley Broadcasting Co.; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH–801112AF (new), Paradise, California, John C. Butler; Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 283 ft.

BPH–801114AJ (new), Elko, Nevada, Elko Broadcasting Co.; Req: 93.5 MHz; Channel No. 228A; ERP: 3 kW; HAAT: −317 ft.

BPH–801120AK (new), Saco, Maine, Vacationland B/Cing Services, Inc; Req: 95.9 MHz; Channel No. 240A; ERP: 3 kW; HAAT: 300 ft.

BPH–801121AA (new), Paxton, Illinois, Ford County Broadcasters, Inc; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH–801128AK (new), Alva, Oklahoma, Coleman Broadcasting Company; Req: 104.7 MHz; Channel No. 284C; ERP: 100 kW; HAAT: 526 ft.

BPH–801202AA (new), Vandalia, Missouri, Roger C. Elliott; Req: 100.1 MHz; Channel No. 261A; ERP: 3 kW; HAAT: 300 ft.

BPH–801203AE (new), Manhattan, Kansas, HGB Corporation; Req: 103.9 MHz; Channel No. 280A; ERP: 2.36 kW; HAAT: 342 ft.

BPH–801209AF, WPSK–FM, Pulaski, Virginia, Claytor Lake Broadcasting Corp.; HAS: 107.1 MHz; Channel No. 296A; ERP: 2.85 kW; HAAT: −58 ft. (LIC); Req: 107.1 MHz; Channel No. 296A; ERP: .180 kW; HAAT: 1212 ft.

BPH–801210AG (new), Fayette, Mississippi, Southern Broadcasting Co., Inc.; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.

BPH–801211AE (new), Granbury, Texas, First Heritage B/Cting Corp.; Req: 106.7 MHz; Channel No. 249C; ERP: 75 kW; HAAT: 553 ft.

BPH–801212AA (new), Brookfield, Missouri, Hampro Wireless, Inc.; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 205 ft.

BPH–801212AB, WSTO, Owensboro, Kentucky, Owensboro on the Air, Inc.; HAS: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 340 ft. (LIC); Req: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 1000 ft.

BPH–801218AC (new), Coffeyville, Kansas, Montgomery County Broadcasters, Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 300 ft.

BPH–801224AD (new), Yreka, California, Dalmation Enterprises, Inc., Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: −603 ft.

BMPH–800905AL, WBJW, Orlando, Florida, Robert W. Rounsaville; HAS: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 350 ft. (LIC); HAS: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 1380 ft. (CP); Req: 105.1 MHz; Channel No. 286C; ERP: 100 kW; HAAT: 900 ft.

BMPH–801125AM, WJMG, Hattiesburg, Mississippi, Circuit Broadcasting Company; HAS: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 175 ft. (CP); Req: 92.1 MHz; Channel No. 221A; ERP: 3 kW; HAAT: 300 ft.

BPED–780726AA, KSLH, St. Louis, Missouri, Board of Education, City of St. Louis; HAS: 91.5 MHz; Channel No. 218C; ERP: 12.5 kW; HAAT: 400 ft. (LIC); Req: 91.5 MHz; Channel No. 218C; ERP: 100 kW; HAAT: 503 ft.

BPED–790607AF, WSHL–FM, Easton, Massachusetts, Stonehill College, Inc.; HAS: 91.3 MHz; Channel No. 217D; TPO: .01 kW; (LIC); Req: 91.3 MHz; Channel No. 217A; ERP: .100 kW; HAAT: 68 ft.

BPED–790702AA, WSGR–FM, Port Huron, Michigan, St. Clair County Community College; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 91.3 MHz; Channel No. 217A; ERP: .120 kW; HAAT: 14 ft.

BPED–790914AC (new), Stamford, Connecticut, CT. Educ. Telecommunications Corp.; Req: 88.5 MHz; Channel No. 203A; ERP: 1.16 kW; HAAT: 66.25 ft.

BPED–791105AH, WITR, Henrietta, New York, Rochester Institute of Technology; HAS: 89.7 MHz; Channel No. 209D; TPO: .01 kW. (LIC); Req: 89.1 MHz; Channel No. 206A; ERP: 800 kW; HAAT: 126 ft.

BPED–791126AD, WPHP, Wheeling, West Virginia, Ohio County Board of Education; HAS: 91.9 MHz; Channel No. 220DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 91.9 MHz; Channel No. 220B; ERP: .084 kW; HAAT: 260 ft.

BPED–791226BT, WLHS, West Chester, Ohio, Lakota Local School District; HAS: 89.9 MHz; Channel No. 210DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 89.9 MHz; Channel No. 210A; ERP: .100 kW; HAAT: 338 ft.

BPED–791226DA, KALX, Berkeley, California, the Regents of the Univ. of Calif.; HAS: 90.7 MHz; Channel No. 214DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 90.7 MHz; Channel No. 214A; ERP: .500 kW; HAAT: 782 ft.

BPED–791228BI, WCDR–FM, Cedarville, Ohio, the Cedarville College; HAS: 90.3 MHz; Channel No. 212B; ERP: 3 kW; HAAT: 370 ft. (LIC); REQ: 90.3 MHz; Channel No. 212B; ERP: 50 kW; HAAT: 358 ft.

BPED–791231AM, WSRX, Allendale, Michigan, Grand Valley State Colleges; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 88.5 MHz; Channel No. 203C; ERP: 50 kW; HAAT: 500 ft.

BPED–791231AG, WLNV, Derby, Connecticut, Stand, Inc.; HAS: 90.1 MHz; Channel No. 211DS, ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 90.1 MHz; Channel No. 211A; ERP: .100 kW; HAAT: 342 ft.

BPED–791231BA, WMLN–FM, Milton, Massachusetts, Curry College; HAS: 91.5 MHz; Channel No. 218D; TPO: .01 kW (LIC); REQ: 91.5 MHz; Channel No. 218A; ERP: .100 kW; HAAT: 96 ft.

BPED–791231BN, WSCB, Springfield, Massachusetts, Springfield College; HAS: 89.9 MHz; Channel No. 210D; TPO: .01 kW (LIC); REQ: 89.9 MHz; Channel No. 210A; ERP: .100 kW; HAAT: 35 ft.

BPED–800103AC, KCUM–FM, Crookston, Minnesota, University of Minnesota Tech College; HAS: 91.7 MHz; Channel No. 219DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.5 MHz; Channel No. 218A; ERP: .425 kW; HAAT: 105 ft.

BPED–800103AH, KCED, Centralia, Washington, Centralia Community College; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .600 kW; HAAT: −128 ft.

BPED–800103AI, WALF, Alfred, New York, Alfred University; HAS: 89.7 Mhz; Channel No. 209D; TPO: .01 kW; (LIC); REQ: 89.7 MHz; Channel No. 209A; ERP: 205 kW; HAAT: −20 ft.

BPED–800103AJ, KUGS, Bellingham, Washington, Western Washington University; HAS: 89.3 MHz; Channel No. 207DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 89.3 MHz; Channel No. 207A; ERP: .100 kW; HAAT: 260 ft.

BPED–800103AK, WTOP, Greenville, Pennsylvania, Thiel College; HAS: 88.1; MHz; Channel No. 201D; TPO: .01 kW (LIC); REQ: 88.1 MHz; Channel No. 201A; ERP: 1.11 kW; HAAT: −6 ft.

BPED–800104AN, WDCE, Richmond, Virginia, University of Richmond; HAS: 90.1 MHz; Channel No. 211D; ERP: .092 kW; HAAT: 86 ft. (LIC); REQ: 90.1 MHz; Channel No. 211A; ERP: .1 kW; HAAT: 86 ft.

BPED–800104AO, WLOZ, Wilmington, North Carolina, Univ of North Carolina at Wilmington; HAS: 91.3 MHz; Channel No. 217D; TPO: .01 kW (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .113 kW; HAAT: 109 ft.

BPED–800104AQ, KESP, Eureka Springs, Arkansas, Ozark Public Broadcasting;

HAS: 90.9 MHz; Channel No. 215DS; ERP: .01 kW; HAAT: 270 ft. (LIC); REQ: 90.9 MHz; Channel No. 215A; ERP: 3.35 kW; HAAT: 269 ft.

BPED–800107AR, KEWC–FM, Cheney, Washington, Eastern Washington University; HAS: 89.9 MHz; Channel No. 210D; TPO: .01 kW (LIC); REQ: 89.5 MHz; Channel No. 208C; ERP: 57.6 kW; HAAT: 273.7 ft.

BPED–800110AB, KBWC, Marshall, Texas, Wiley College; HAS: 91.1 MHz; Channel No. 216D; TPO: .01 kW (LIC); REQ: 91.1 MHz; Channel No. 216A; ERP: .133 kW; HAAT: 105 ft.

BPED–800114AG, KGRM, Grambling, Louisiana, Grambling College of Louisiana; HAS: 91.3 MHz; Channel No. 217DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 91.3 MHz; Channel No. 217A; ERP: .100 kW; HAAT: 139 ft.

BPED–800121AT, WTTU, Cookeville, Tennessee, Technological University; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT: —— ft. (LIC); REQ: 88.5 MHz; Channel No. 203A; ERP: 2.25 kW; HAAT: 167.5 ft.

BPED–800130AJ, KNBU, Baldwin, Kansas, Baker University; HAS: 88.9 MHz; Channel No. 205DS; ERP: .01 kW; HAAT:——ft. (LIC) (Baldwin City, Kansas); REG: 92.5 MHz; Channel No. 223D; ERP: .007 kW; HAAT: 121.2 ft. (Baldwin, Kansas).

BPED–800208AB, WTOH, Mobile, Alabama, Spring Hill College in Cnty. of Mobil; HAS: 90.5 MHz; Channel No. 213DS; ERP: .01 kW; HAAT:——ft. (LIC); REG: 105.9 MHz; Channel No. 290D; TPO: .01 kW.

BPED–800215AJ, WVTC, Randolph Center, Vermont, Vermont Technical College; HAS: 90.7 MHz; Channel No. 214D; TPO: .01 kW. (LIC); REQ: 90.7 MHz; Channel No. 214A; ERP: .300 kW; HAAT: 203.8 ft.

BPED–800319AC (new), Twin Lake, Michigan, Blue Lake Fine Arts Camp; REQ: 90.3 MHz; Channel No. 212C; ERP: 100 kW; HAAT: 457 ft.

BPED–800509AD, KRVS, Lafayette, Louisiana, USL Communications Corporation; HAS: 88.11 MHz; Channel No. 201A; ERP: 3 kW; HAAT: 100 ft. (LIC); REQ: 88.7 MHz; Channel No. 204A; ERP: 100 kW; HAAT: 447.1 ft.

BPED–800530AA (new), Holly Springs, Mississippi, Ms. Black Economic Development Corp.; REQ: 88.1 MHz; Channel No. 201C; ERP: 100 kW; HAAT: 521 ft.

BPED–800617AA, WMHC, South Hadley, Massachusetts, Pres. & Trustees of Mt. Holyoke College; HAS: 91.5 MHz; Channel No. 218D; TPO: .01 kW. (LIC); REQ: 91.5 MHz; Channel No. 218A; ERP: .100 kW; HAAT: −18ft.

BPED–800805AG, KNAU, Flagstaff, Arizona, Northern Arizona University; HAS: 88.5 MHz; Channel No. 203DS; ERP: .01 kW; HAAT:——ft. (LIC); REQ: 88.7 MHz; Channel No. 204C; ERP: 100 kW; HAAT: 1549 ft.

BPED–800930AA, KFSK, Petersburg, Alaska, Narrows Broadcasting Corporation; HAS: 100.9 MHz; Channel No. 265A; ERP: .01 kW; HAAT:——ft. (LIC); REQ: 100.9 MHz; Channel No. 265A; ERP: .44 kW; HAAT: −605 ft.

BPED–801010AI (new), Four Bears, North Dakota, Ft. Berthold Communications Enterpris; REQ: 91.3 MHz; Channel No. 217C; ERP: 97.3 kW; HAAT: 450 ft.

BPED–801014AE (new), New Bern, North Carolina, Craven Community College; REQ: 89.5 MHz; Channel No. 208C; ERP: 65 kW; HAAT: 500 ft.

BPED–801020AC (new), Rhinelander, Wisconsin, White Pine Community B/Cing, Inc.; REQ: 91.7 MHz; Channel No. 219C; ERP: 40 kW; HAAT: 1515 ft.

BPED–801023AF (New), Fort Myers, Florida, the University of South Florida; Req: 90.1 MHz; Channel No. 211C; ERP: 100 kW; HAAT: 868.9 ft.

BPED–801027AB, WECS, Willimantic, Connecticut, Eastern Connecticut State College; Req: 90.1 MHz; Channel No. 211A; ERP: .426 kW; HAAT: 380 ft.

BPED–801106AD (New), Bude, Mississippi, Mississippi Authority for Educ. TV; Req: 88.9 MHz; Channel No. 205C; ERP: 100 kW; HAAT: 958 ft.

BPED–801106AE (New), Meridian, Mississippi, Mississippi Authority for Educ. TV; Req: 88.1 MHz; Channel No. 201C; ERP: 100 kW; HAAT: 1061 ft.

BPED–801106AF (New), Greenwood, Mississippi, Mississippi Authority for Educ. TV; Req: 90.9 MHz; Channel No. 215C; ERP: 100 kW; HAAT: 879 ft.

BPED–801106AG (New), Booneville, Mississippi, Mississippi Authority for Educ. TV; Req: 89.5 MHz; Channel No. 208C; ERP: 85 kW; HAAT: 657.4 ft.

BPED–801106AH (New), Biloxi, Mississippi, Mississippi Authority for Educ. TV; Req: 90.3 MHz; Channel No. 212C; ERP: 100 kW; HAAT: 1410 ft.

BPED–801106AI (New), Mississippi State, Mississippi, Mississippi Authority for Educ. TV; Req: 89.9 MHz; Channel No. 210C; ERP: 63 kW; HAAT: 1046 ft.

BPED–801114AB (New), Richland, Washington, Washington State University; Req: 89.1 MHz; Channel No. 206C; ERP: 100 kW; HAAT: 1226 ft.

BPED–801201AJ (New), Astoria, Oregon, the KBOO Foundation; Req: 91.9 MHz; Channel No. 220C; ERP: 3 kW; HAAT: 1059 ft.

BPED–801215AK, WRBB, Boston, Massachusetts, Northeastern University; Has: 91.7 MHz; Channel No. 219D; TPO: .01 kW. (LIC); Req: 104.9 MHz; Channel No. 285D; ERP: .018 kW; HAAT: 78 ft.

BPED–810119AA, KBSB, Bemidji, Minnesota, Bemidji State University; Has: 89.7 MHz; Channel No. 209A; ERP: .120 kW; HAAT: 125 ft. (LIC); Req: 89.7 MHz; Channel No. 209C; ERP: 96.6 kW; HAAT: 993 ft.

BPED–810202AL, WECI, Richmond, Indiana, Earlham College; Has: 91.5 MHz; Channel No. 218DS; ERP: .01 kW; HAAT: —— ft. (LIC); Req: 89.7 MHz; Channel No. 209B; ERP: 16.8 kW; HAAT: 301 ft.

BPED–801014AG, KSMU, Springfield, Missouri, Southwest Missouri State University; Has: 91.1 MHz; Channel No. 216C; ERP: 5.8 kW; HAAT: 205 ft. (LIC); Req: 89.1 MHz; Channel No. 206C; ERP: 50 kW; HAAT: 1071 ft.

[FR Doc. 81–8050 Filed 3–16–81; 8:45 am]

BILLING CODE 6712–01–M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultation Committee (CCITT); Meeting

March 10, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 25, 1981 at 10:00 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group will deal with U.S., Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telgraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will examine the questions and contributions relating to the upcoming May, 1981 meeting of CCITT Study Group I.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for futher information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–8058 Filed 3–16–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Addition of New Routine Use to an Existing System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed addition of a new routine use to an existing FEMA system of records entitled, "National Flood Insurance Application and Related Documents Files—FEMA/FIA–2."

SUMMARY: The purpose of this proposal is to give notice that an additional routine use "* * *; to State and local government individual and family grant and assistance agencies which furnish

to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program." is being proposed to be added to the National Flood Insurance Application and Related Documents Files. We believe that this action is necessitated in order for a State or local government to meet the Federal Insurance Administration's guidelines for "Community Initiated" acquisition (45 FR 50286) of property located in a floodplain zone for recreation purposes. The specific text of the guidelines can be found in the referenced **Federal Register**. We believe that the purpose for which the National Flood Insurance Application and Related Documents Files system of records was established is consistent with our proposed routine use addition as the purpose for carrying out the National Flood Insurance Program. As such, we do not believe that the new routine use meets the criteria for filing a report to Congress or OMB and we have not done so. We would, however, welcome any comments that they may have as well as those comments from the general public on our proposed new routine use.

In an effort to economize on the cost of publication in the **Federal Register**, we are publishing only the sections of the system of records affected by this notice. For clarification purposes, the entire text of the routine use section is being reprinted. The remaining portions of the system can be viewed in the October 14, 1980, **Federal Register**, 45 FR 67841.

DATE: Any interested parties may submit written comments regarding this proposal. To be considered, comments must be received on or before April 16, 1981. Unless comments are received on or before that date which would result in a contrary determination, the routine use will become effective as proposed without further notice on April 16, 1981.

ADDRESS: Address comments to the Rules Docket Clerk, Federal Emergency Management Agency, (Room 801), 1725 I Street, N.W., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m. during normal working days.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, Office of Public Affairs, (202) 634–6772.

SUPPLEMENTARY INFORMATION: Based on the above reasons outlined under the Summary section, the Federal Emergency Management Agency finds it necessary to include the following routine use in the "National Flood Insurance Application and Related Documents Files." (The new language is italicized).

FEMA/FIA–2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To property loss reporting bureaus, State insurance departments, and insurance companies investigation fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA; for use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Federal Disaster Assistance Administration, the Farmers Home Administration; State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania, Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster; *To State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.*

* * * * *

Dated: March 3, 1981.

Peg Maloy,

Acting Director, Office of Public Affairs, Federal Emergency Management Agency.

[FR Doc. 81–8061 Filed 3–16–81; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 26, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos.: T–3955 and T–3955–1.

Filing Party: Mr. T. Terrell Sessums, General Counsel, Tampa Port Authority, P.O Box 2192, 811 Wynkoop Road, Tampa, Florida 33601.

Summary: Agreement No. T–3955, between the Tampa Port Authority (authority) and Mitsui & Co. (U.S.A.), Inc. (Tenant) provides that the Authority will construct and/or acquire phosphoric acid storage tanks up to 30,000 tons capacity along with rail unloading facilities and other related facilities and equipment at Big Bend Terminal, Hillsborough County, Florida. To finance the project, the Authority has

authorized issuance of Special Purpose Revene Bonds not exceeding $3,000,000 and Refunding Revenue Bonds not exceeding $17,000,000. The Authority will lease the project to the Tenant with an option to purchase the project, reserving the Authority easements for ingress and egress. Tenant will pay rent to the Authority annually in an amount equal to the tax factor provided by the Laws of Florida. The lease commences upon the date the bonds have been issued and delivered to the purchaser(s) and expires on March 1, 1991, or on such date as all the bonds have been paid and retired.

Agreement No. T-3955-1 amends Section 503 of the basic agreement by changing Clause (b) thereto, in the computation of the Advalorem Tax Rate in determining the amount of the annual rental for the premises.

By order of the Federal Maritime Commission.

Dated: March 11, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8063 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 6, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-3712-3.

Filing Party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3712-3, between Global Terminal and Container Services, Inc. (Global) and Italian Line (IL) modifies the parties' basic agreement whereby Global provides and performs for IL container, terminal, stevedoring and LCL cargo handling services for containers and RO/RO cargo, to be loaded onto or discharged from IL's owned or controlled vessels operating between the Port of New York and the Mediterranean.

The purpose of the modification is to extend the term of the agreement to May 31, 1982, and to increase the number of storage units per day to 600 empty containers.

Agreement No.: T-3952.

Filing Party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3952, between Global Terminal and Container Services, Inc. (Global) and Korea Shipping Corporation (KSC), provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for KSC at the Port of New York. As compensation, KSC shall pay Global at rates in accordance with schedules attached to the agreement. The agreement's term is 5 years and is a renewal of Agreement No. T-3716 which expired on February 19, 1981.

Agreement No.: T-3953.

Filing Party: E. F. Brimo, Treasurer, Global Terminal and Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-3953, between Global Terminal and Container Services, Inc. (Global) and Orient Overseas Container Line (OOCL), provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for OOCL at the Port of New York. As compensation, OOCL shall pay Global at rates in accordance with schedules attached to the agreement. The term of the agreement is 5 years.

Agreements Nos. T-3954 and T-3954-1.

Filing party: Mr. David C. Weigel, Deputy Attorney General, Offices of Attorney General, 219—State House, Indianapolis, Indiana 46204.

Summary: Agreement No. T-3954, between the Indiana Port Commission (Port) and the Mapco Land Corporation (Lessee) provides for the lease of 63.55 acres at the Southwind Maritime Centre, on the Ohio River near Mt. Vernon, Indiana. The Lessee will use the premises to store and ship coal and/or other ores. The primary term of the lease is 30 years, with renewal options for 7 successive terms of up to 10 years each, with Lessee determining the exact length of any term if any term is not a full 10 years. Lessee shall pay no rent to the Port for the first lease year; during the next 3 years an annual rent of $52,000 will be paid; the fifth lease year the rental will be $1,600 per acre; every 5 year interval thereafter for the remaining term of the lease the annual rental will be $1,600 per acre. Wharfage will be paid by Lessee to the Port as per schedule shown in the agreement. Lessee will construct the necessary facilities to ship their anticipated volume. The Port agrees to construct, at its expense up to $1,500,000, a barge mooring at the facility.

The purpose of Agreement No. T-3954-1 is to: (a) amend Section IV of the basic lease by providing that the Lessee will construct its facilities on a 63.5 acre site as described in Exhibit "A" of the agreement; (b) amend easements at the leased premises; (c) to provide Lessee shall be liable for any crop damage occurring by its practices; and (d) to include an Exhibit "C" in the amendment indicating the Port's jurisdiction over Maritime Activities along the bank of the Ohio River at Southwind Maritime Centre.

Agreement No. T-3956.

Filing party: Mr. Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Summary: Agreement No. T-3956, between Georgia Ports Authority (Port) and Moller Steamship Co., Inc., as agent for Maersk Line (Lessee), provides for the one-year lease and exclusive use of certain paved premises located within Container Central at Garden City Terminal, Chatham County, Georgia. The premises will be used for the storage and handling of Lessee's containers, including trailers and chassis used to transport containers, which will be handled on and off ships using Port's facilities only. The parties agree to a fixed monthly rental of $1,900 during the lease term, plus applicable port tariff charges. The agreement contemplates that Lessee will generate no less than 320 short tons of containerized cargo, per parking slot, subject to allowances for operational time loss. The parties further agree to indemnification, assignment and subletting, berthing rights, and other terms provided for in the agreement.

Agreement No. T-3957.

Filing party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, Box 2064, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-3957, between the Port of Oakland (Port) and Neptune Orient Lines (Neptune) provides for the nonexclusive preferential assignment of certain premises, including two container cranes, in the Port of Oakland. As compensation, Neptune will pay Port a minimum of $1,280,000 per annum in tariff charges and a minimum of $666,000 per annum in crane rental charges. The term of the agreement is for 10 years, with the option to terminate the agreement at the end of the fifth year.

Agreement No. 5600-41.

Filing party: Charles F. Warren, Esquire, Attorney-in-Fact, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 5600-41 would amend various articles of the Philippines

North America Conference Agreement for the purpose of (1) allowing each group to permit operations via substituted overland service, either at origin or destination; (2) eliminating the unanimity requirement for effecting changes in the agreement; (3) changing the voting requirement for effecting decisions at conference meetings on matters relating to general conference business, general rate increases, open rates, and tariff matters; (4) changing the voting and time requirements necessary for effecting decisions by telephone ballot; (5) eliminating the provision which permits the use of a circular ballot; and (6) interposing a cargo-lifting requirement in lieu of a sailing requirement in order to maintain voting privileges.

Agreement No. 10412.

Filing party: Lawrence K. Sandness, Esquire, Cummings & Lockwood, 10 Stamford Forum, Stamford, Connecticut 06904.

Summary: The subject agreement, between Societe Ivoirienne de Transport Maritime (SITRAM) and Farrell Lines, Inc., (Farrell), provides that SITRAM may charter space on Farrell's vessels operating between the Ivory Coast and the United States according to terms set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: March 11, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-8000 Filed 3-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; 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 New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (finance, servicing, and insurance activities; Washington): to engage through its subsidiary, Citicorp Washington Financial Center, Inc., in the activities of making or acquiring consumer loans; extending credit to dealers for the purposes of financing inventory and working capital; purchasing and servicing for its own account of sales finance contracts; making mortgage loans for its own account or the account of others and servicing such loans; and acting as agent or broker for the sale of credit-related life, accident and health, and property and casualty insurance in connection with extensions of credit. Citicorp would also engage in these activities through its subsidiary, Citicorp Washington Industrial Loan Company (Domestic), but would also engage through this subsidiary in the activity of servicing extensions of credit for any person. These activities would be conducted from an office in Kennewick, Washington, serving the entire State of Washington.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8080 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corporation; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Security National Bank, Austin, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 9, 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 10, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8079 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of 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 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 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 10, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

Citicorp, New York (consumer finance and insurance activities; Virginia): to expand the service area of two existing offices of its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Richmond, Virginia, and Norfolk, Virginia. The previously approved activities of the two offices are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related vendor's single interest insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; and the servicing, for any person, of loans and other extensions of credit. The proposed expanded service area of both offices would be comprised of the entire state of Virginia for all of the aforementioned activities; except that this application would not expand the service area for the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking; Arizona): to engage *de novo* through its subsidiary, The Kissell Company, in mortgage banking activities, including the making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. Such activities will be conducted from an office of the subsidiary located in Tucson, Arizona, serving the metropolitan Tucson, Arizona area and the counties of Pima, Cochise, Graham, Pinal, and Yuma, Arizona. Comments on this application must be received not later than April 13, 1981.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Southwest Bancshares Corporation, Oklahoma City, Oklahoma (insurance agency activities; Oklahoma): to engage through a *de novo* subsidiary, Southwest Bancshares Insurance Agency, Inc., in the sale as agent or broker of credit life and accident insurance in connection with extensions of credit by Applicant's banking subsidiary, Farmers and Merchants Bank, Eufaula, Oklahoma, from an office in Eufaula, Oklahoma, and will serve the area served by Farmers and Mechants Bank.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8189 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

Colbert Bancshares, Inc.; Formation of Bank Holding Company

Colbert Bancshares, Inc., Colbert, 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 First National Bank of Colbert, Colbert, 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 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 10, 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 11, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8188 Filed 3-16-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Aquisition of Bank

February 27, 1981.

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Greenspoint Bank, Houston, 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 March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8322 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

First National Bancshares of Eunice, Inc.; Formation of Bank Holding Company

February 27, 1981.

First National Bancshares of Eunice, Inc., Eunice, Louisiana, 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 per cent (less directors' qualifying shares) of the voting shares of First National Bank of Eunice, Eunice, Louisiana. 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 March 28, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8323 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

Madison Lake Bancorporation, Inc.; Formation of Bank Holding Company

February 27, 1981.

Madison Lake Bancorporation, Inc., Madison Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84.4 per cent or more of the voting shares of Peoples State Bank of Madison Lake, Madison Lake, Minnesota. 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 Reserve Bank, to be received not later than March 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8324 Filed 3-16-81; 9:13 am]

BILLING CODE 6201-01-M

Pedernales Investment Corp.; Formation of Bank Holding Company

February 27, 1981.

Pedernales Investment Corporation, Johnson City, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Pedernales-Blanco Corporation, Johnson City, Texas, and thereby indirect control of Johnson City Bank, Johnson City, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8325 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

Pikes Peak National Co.; Formation of Bank Holding Company

February 27, 1981.

Pikes Peak National Company, Colorado Springs, Colorado 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 aquiring 98 percent or more of the voting shares of Pikes Peak National Bank of Colorado Springs, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 26, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-8326 Filed 3-16-81; 9:13 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Bodies; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of April 1981.

Community Alcoholism Services Review Committee: April 1–6; 7:00 p.m., Ramada Inn Hotel, 1251 West Montgomery Avenue, Rockville, Maryland 20850. Open—April 1; 7:00 to 9:30 p.m., Closed—Otherwise. Contact: Phillip Dawes, Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470.

Purpose: The Community Alcoholism Services Review Committee is charged with the initial review of grant applications for Federal assistance in the program area administered by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) relating to alcoholism service activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 7:00 to 9:30 p.m. on April 1, the meeting will be open for reports and discussion of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee, April 6–9; 1:30 p.m., The Gramercy Inn, Parkview and Westview Rooms, and Room 331, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036. Open—April 6; 1:30–2:30 p.m., Closed—Otherwise. Contact: LaVerl P. Klein, Room 9–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843.

Purpose: The Mental Health Small Grant Review Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychology, sociology, anthropology, psychiatry, and the biological sciences, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m. on April 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be peforming initial review of grant applications for Federal assistance and will not be open to the public in

accordance with the determination by the Acting Administrator. ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

The Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism: April 7; 10:00 a.m.—Open, Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Contact: David Clough, Room 11-19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2070.

Purpose: The functions of the Work Group are to evaluate all Federal efforts in the areas of alcohol abuse and alcoholism treatment and rehabilitation, provide for the communication and exchange of information necessary, and seek to coordinate and enhance these programs and activities, and submit recommendations to the Interagency Committee, as necessary.

Agenda: Tentative agenda items include updated reports from work group members, and a report on criminal justice/alcoholism treatment issues.

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members for NIMH will be furnished upon request by Mrs. Ruth Gorin, Office of the Associate Director for Extramural Programs, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333. For NIAAA: Ms. Helen Garrett, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: March 11, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-8065 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

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:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. April 6 and 7, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 6, 9 a.m. to 10 a.m.; open committee discussion, April 6, 10 a.m. to 11 a.m.; closed presentation of data, April 6, 11 a.m. to 12 m.; open committee discussion, April 6, 1 p.m. to 5 p.m., April 7, 9 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3542.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and prescription drugs for use in endocrine and metabolic disorders.

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 FDA action report; tumorigenicity of lopid lowering agents; Ciprofibrate (IND 10,769); Lopid (NDA 18-422), a lipid lowering agent; subcommittee report on regulatory criteria for lipid-altering agents; new uses for marketed durgs; anabolic steroids for the treatment of refractory anemia; and Cibacalcin (NDA 18-470).

Closed presentation of data. The Committee will discuss unpublished clinical data relating to IND 10,769. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be submitted by March 25, 1981.

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. April 13, 9 a.m., Rm. 1409, 200 C St. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed presentation of data, 12 m. to 1 p.m.; open committee discussion, 1 p.m. to 4 p.m.; David S. Shindell, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 20910, 301-427-8228.

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 before March 30, 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 review and discuss the safety and effectiveness data for the endotracheal tube changer submitted in support of premarket approval application P800068, and data for the transcutaneous carbon dioxide monitor submitted in support of premarket approval application P800043.

Closed presentation of data. The sponsor of premarket approval application P800043 will present information concerning the device and respond to questions from the Panel members. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be submitted by March 30, 1981.

Each public advisory committee meeting listed above 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. The dates and times reserved for the separate 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.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

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 9, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81–8099 Filed 3–16–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80D–0278]

Single-Entity Barbiturates; Class Labeling Guidance; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 80–35842 appearing at page 76356 in the **Federal Register** of Tuesday, November 18, 1980, various corrections are made.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: The notice on single-entity barbiturates contains various errors. Corrections are made as follows:

1. At page 76356, first column, the seventh and eighth lines under "Supplementary Information" are changed to read "each product within the drug class because all drugs in the class are closely related".

2. At page 76357, third column, fifth line under the heading "Barbiturate Class Labeling," "sybhypnotic" should read "subhypnotic".

3. At page 76358, under the structural formula for butabarbital sodium, "Sodium 5-*sec*-butyl-5-ethylbarbiturate" should read "Sodium 5-sec-butyl-5-ethylbarbiturate".

4. At page 76361 under Table 2., the "Reference" for "Hexobarbital" should read "1 *", and the "Reference" for "Secobarbital" should read "1 and 38."

5. At page 76361, third column, the eighth line under item 3. should read: "sedatives in the postoperative surgical period."

6. At page 76362, second column, in the sixth line of item 2., change "cortixosteroid" to "corticosteroid".

7. At page 76362, third column, the eleventh line under item 2. should read "sufficient evidence that phenobarbital sodium is".

8. At page 76363, first column, in the first line under the heading "Drug Abuse and Dependence" change the colon to a period.

9. At page 76363, third column, second line, change "60 mg" to "600 mg".

10. At page 76364, second column, under the heading "*Anticonvulsant use*" in the tenth line, change "29 mg" to "20 mg".

11. At page 76364, in Table 3., add the heading "Barbiturate Blood Level in ppm (μg/mL)" just above the list of barbiturates.

12. At page 76365, in Table 5., for the entry "Phenobarbital sodium" under the heading "Anticonvulsant" change "Status epilipticus 200 repeated in 6 hr as necessary" to "Status epilepticus 200 to 320 mg repeated in 6 hr as necessary."

13. At page 76365, in Table 5., for the entry "Amobarbital sodium" under the heading "Daytime sedation" change "30 to 50 2–3 times daily" to "30 to 50 mg 2–3 times daily.

14. At pages 76365–76366, under "References" make the following changes:

a. In item 2., change "1979" to "1969".

b. In item 6., change the first line to read: "Kales, A., et al., "Effectiveness of".

c. In item 13., change "K. G. Prescott" to "K. F. Prescott".

d. In item 27., change "Brabstad" to "Branstad", and change "Macromolecles" to "Macromolecules".

e. In item 29., change "Amylobaritone" to "Amylobarbitone".

f. In item 32., change "Pharmacolgica" to "Pharmacologica".

g. In item 61., change "Dephneylhydantoin" to "Diphenylhydantoin".

h. In item 63., change "Associaition" to "Association".

Dated: March 5, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8072 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0369/CP]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a temporary permit has been issued to the T. H. Richards Processing Co. to market test tomato juice from concentrate. The purpose of this temporary permit is to permit the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the new food is introduced into or caused to be introduced into interstate commerce, but no later than June 15, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164

SUPPLEMENTARY INFORMATION: In accordance with § 130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to the T. H. Richards Processing Co., P.O. Box 2470, Sacramento, CA 95811. The permit covers limited interstate marketing tests of tomato juice that deviates from the standard of identity prescribed for tomato juice under § 156.145 (21 CFR 156.145). The product is prepared from tomato paste that complies with the requirements of § 155.191(a)(1) (21 CFR 155.191(a)(1)). The test product is equivalent to a single-strength tomato juice normally found in the marketplace. The finished product contains no less than 5.5 percent tomato soluble solids. The permit provides for the temporary marketing of 200,000 cases of twelve 46-ounce and 50,000 cases of forty-eight 5½-ounce containers of the product to be distributed in the States of Arizona, California, Colorado, Florida, Idaho, New Mexico, New York, Ohio, Oregon, and Washington.

The test product is to be packed at the T. H. Richards Processing Co. plant located in Sacramento, CA.

The principal display panel of the label states the product's name as "tomato juice from concentrate." Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101, except that the tomato ingredient complying with the requirements of § 155.191(a)(1) is declared as "tomato concentrate." This permit is effective for 15 months, beginning on the date the new food is introduced or caused to be introduced into interstate commerce, but no later than June 15, 1981. However, the permit may terminate sooner, depending upon the final action on FDA's proposal to amend the standard of identity for tomato juice published in the **Federal Register** of May 9, 1978 (43 FR 19864). If the proposal is affirmed, the permit will terminate on the effective date of the final regulation. If the proposal is rejected, the permit will expire 30 days after such negative ruling on the proposal.

Dated: March 3, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-8071 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0475]

Baurs-Krey Associates, Inc.; Premarket Approval of Weicon "™" (Tefilcon) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Weicon "™" (tefilcon) Hydrophilic Contact Lens, sponsored by Baurs-Krey Associates, Inc., New York, NY. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 16, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent 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: Henry Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On March 7, 1980, Baurs-Krey Associates, Inc., New York, NY, submitted to FDA an application for premarket approval of the Weicon"™" (tefilcon) Hydrophilic Contact Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 19, 1980, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA

explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new lens users that they must avoid using inappropriate products, e.g., solutions for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e (e)(1)(F)). Accordingly, whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent adivsory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 16, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–7943 Filed 3–16–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81M–0071]

Becton Dickinson and Co.; Premarket Approval of BBL Sceptor System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the BBL Sceptor System sponsored by Becton Dickinson and Co. Washington, DC. After reviewing the recommendation of the Microbiology Device Section of the Immunology and Microbiology Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 16, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent 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: Henry A. Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 3, 1980, Becton Dickinson and Co., Washington, DC, submitted to FDA an application for premarket approval of the BBL Sceptor System, an antimicrobial agent susceptibility testing system. The application was reviewed by the Microbiology Device Section of the Immunology and Microbiology Devices Panel, an FDA advisory committee, which recommended approval of the application. On February 18, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of

material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 16, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-7942 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-01-M

Office of Human Development Services

Advisory Board on Child Abuse and Neglect; Meeting

Notice is hereby given, pursuant to Public Law 92–463, of the meeting of the Advisory Board on Child Abuse and Neglect, April 6–7, 1981, Hyatt-Regency Hotel, Milwaukee, Wisconsin. The meeting on April 6 is scheduled to begin at 6 p.m. The April 7 meeting will begin at 12 noon.

The Advisory Board on Child Abuse and Neglect was established by the Department of Health and Human Services to assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

At this meeting the Advisory Board will discuss the Future of Child Abuse and Neglect programs; a Coordination Plan; the National Conference on Child Abuse and Neglect and Needed Follow-Up to Conference Activities; Evaluation and Impacts of NCCAN's Service Improvement Program; and Final fiscal year 1981 Recommendations to the Secretary from the Advisory Board.

Further information on the Advisory Board meeting may be obtained from Ms. Arlene Taylor, National Center on Child Abuse and Neglect, Room 2008E, Donohoe Bldg., P.O. Box 1182, Washington, D.C. 20013, Telephone (202)245–2859.

Advisory Board meetings are open for public observation.

March 12, 1981.

Mamie J. Welborne,

Human Development Services, Committee Management Officer.

[FR Doc. 81-8136 Filed 3-16-81; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m., Monday, March 30, 1981, at 26 Federal Plaza, New York, N.Y., Room 3037A.

The Commission was established by Pub. L. 92–592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. FY 81 Budget Report: Status of funds, re: construction/planning/operations.
2. Fort Wadsworth.
3. Transportation planning: B9, B46 Buses.

New Business

1. Summer program.
2. Phase II, Floyd Bennett Field Plan.
3. Committee Reports.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first served basis. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Herbert S. Cables Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, area code (212) 630–0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Herbert S. Cables Jr.,

Superintendent.

March 9, 1981.

[FR Doc. 81-8199 Filed 3-16-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–6 (Sub-67F)

Burlington Northern, Inc.—Abandonment—Near Starbuck and Villard in Pope County, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 9, 1981, a finding which is administratively final was made by the Commission, Division 2, Acting as an Appellate Division, stating that the public convenience and necessity permit the abondment by Burlington Northern, Inc., of the portion of a line of a railroad from milepost 67.00 near Starbuck to milepost 51.61 at Villard, MN, a total distance of 15.39 miles in Pope County, MN, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, ICC 91 (1979). A certificate of abandonment will be issued to Burlington Northern, Inc., based on the above-described finding of abandonment, within 15 days of publication of this notice, unless within that time the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment

will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8253 Filed 3-16-81; 12:30 pm]

BILLING CODE 7035-01-M

[No. AB-1 (Sub-98)]

Chicago and North Western Transportation Company—Abandonment Between Sycamore and Byron, IL; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by decision decided February 23, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of the line of railroad extending between milepost 57.5 near Sycamore and milepost 88.3 near Byron, a distance of 30.8 miles in De Kalb and Ogle Counties, IL, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, unless 30 days after publication, the Commission further finds that:

(1) a financially responsible person (including a government entry) has offered financial assistance to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 10423, no later than 10 days from publication of this Notice; and (2) it is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8109 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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).

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 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 statement 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 6, 1981.

By the Commission, Review Board Number 3. Members Krock, Joyce and Dowell.

MC 120028 (Sub-22F), filed January 2, 1981. (Supplemental) (Previously published in the **Federal Register** on February 2, 1981 at page 10215). Applicant: CRAW CARTING, INC.—Extension—160 Despatch Drive, P.O. Box 267, East Rochester, NY 14445. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in Albany, Broome, Columbia, Dutchess, Erie, Fulton, Genesee, Greene, Hamilton, Herkimer, Livingston, Monroe, Montgomery, Niagara, Ontario, Orleans, Putnam, Rensselaer, Saratoga, Schenctady, Schoharie, Ulster, Washington, Wayne, Westchester and Wyoming Counties, NY, the cities of Glens Falls, Oneonta, New York, Syracuse and Utica, NY, and the Villages of Baldwinsville, Cato, Hannnibal, Meridian, Stamford, Sterling and Sidney, NY. Condition: This application is authorizing a new service. Therefore an additional filing fee of $350 will be required before an effective notice will be issued.

Notes.—(1) The original application was published as a gateway elimination application. (2) The purpose of this application is to bridge authority Craw now holds with authority it is purchasing from Tanney's Motor Transportation, Inc. in MC-F-14543.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8109 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 38]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 10, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 11.37. 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 297 (Sub-16)X, filed February 23, 1981. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-3, 5, and 7 certificates to (1) eliminate all exceptions to its general commodities authority except "classes A and B explosives" in the lead, Sub-3 and 7; (2) change the commodity descriptions (a) in the lead, from milk and farm products to "food and related products" and "farm products"; and (b) in Sub-5, from paper products to "pulp, paper and related products", from door components to "building materials", and from lumber to "lumber and wood products"; (3) in Sub-3, remove the exception against service to points in the commercial zones of Kelso and Longview, WA, from authority to provide radial service between Woodland, WA and points in WA within 15 miles of Woodland; and in Sub-7, against radial service between Kelso and Longview, WA and Portland, OR and Vancouver, WA on a regular route between Woodland, WA and Spirit Lake, WA, and (4) authorize radial authority in the lead, between Portland, OR and Woodland, WA; and in Sub-5, between Woodland, WA and points in OR.

MC 26396 (Sub-392)X, filed February 23, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-202F, 223, 260, 262, 297F, 303F, 304F, 371F, and 379F certificates to (1) change the commodity descriptions (a) from various iron and steel articles, such as wrought iron pipe, steel buildings, steel grain bins, etc., in Sub-202F, 223, 260F, 262F, 303F, 304F, and 371F to "metal products"; (b) from pumping units and accessories, and grain and feed storage and handling systems, in Sub-223 and 297F to "machinery"; (c) from pipe, pipe fittings, couplings and plastic pipe in Sub-262F and 371F to "rubber and plastic products"; and (d) from clay and clay products in Sub-379F to "clay, concrete, glass or stone products"; (2) remove the restrictions against commodities in bulk in Sub-223 and 303F; (3) remove the facilities limitations and exceptions in Sub-202F, 223, and 262F; (4) replace city-wide authority with county-wide authority: in Sub-223, Hutchinson with Reno County, KS; in Sub-260F, Jamestown with Stutsman County, ND; in Sub-262F, McPherson with McPherson County, KS; in Sub-297F, Plainfield with Will County, IL; and in Sub-371F, Lemont with Cook County, IL; (4) remove the "originating at and destined to" restriction in Sub-223; (5) authorize radial service in all sub-numbers, but Sub-379F, between points located throughout the entire U.S. or various specified portions thereof, and (b) remove the AK and HI exceptions.

MC 48441 (Sub-71)X, filed February 24, 1981. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions (a) in its regular route authority, from glass, glass products, yeast, malt products, and brewery supplies, to "clay, concrete, glass or stone products, and such commodities as are dealt in by brewery supplies", (b) in its irregular route authority, from building materials, paint, roofing, and iron and steel construction products, to "building materials, chemicals and related products and metal products", from beer, and malt products, canned goods, animal feed, and canned foodstuffs, to "food and related products", from paper, and paper products, to "pulp, paper and related products", from telephone directories and telephone directory pages, to "printed matter", from glass containers, to "clay, concrete, glass or stone products", and from iron containers and steel continers, to "metal products"; and (2) broaden its territorial description (a) to authorize service at all intermediate points on described route between

Milwaukee, WI, and Alton, IL, in the regular route portion of its lead authority, (b) change its one-way authority to radial authority between several named states, and replace cities and plantsite facilities with county-wide authority in the irregular route portion: Alton, Streator, and Peoria, IL, with Madison, LaSalle, and Peoria Counties, IL, Dwight, IL, with Livingston County, IL, Jonesboro, AR, with Craighead County, AR, named facilities at Plymouth, IN, with Marshall County, IN, Hamilton, MI, with Allegan County, MI, Danville, IL, with Vermilion County, IL, and Franklin, KY, with Simpson County, KY.

MC 58667 (Sub-8)X, filed February 23, 1981. Applicant: LEITCHFIELD TRANSFER CO., P.O. Box 366, Leitchfield, KY 42754. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-1 certificate to (1) remove all restrictions except Classes A and B explosives from its general commodities authority and (2) to allow service at all intermediate points in connection with its regular route authority between Louisville, KY, and Leitchfield, KY.

MC 69938 (Sub-4)X, filed February 26, 1981. Applicant: BV&G TRANSPORT COMPANY, P.O. Box 723, 1557–R State Street, Granite City, IL 62040. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead and Sub-1F and 3F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)", in the lead, and (b) cars and locomotive wheels, and iron and steel articles to "metal products" in Sub-1F and 3F; (2) authorize service to all intermediate points on its regular routes between Germantown, IL, Bellville, IL, and St. Louis, MO in the lead; (3) change city-wide to county-wide authority from Keokuk to Lee County, IA in Sub-1F, and expand one-way authority to radial authority between Lee County, IA and Bensenville, IL and St. Louis, MO in Sub-1F, and St. Louis, MO and points in Adair, Audrain, Boone, Calloway, Cape Giradeau, Clark, Crawford, Cole, Franklin, Gasconade, Jefferson, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Osage, Perry, Pike, Ralls, Randolph, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Shelby, Schuyler, Warren and Washington Counties, MO in Sub-3F; and (4) remove the ex-water restriction in Sub-3F.

MC 97127 (Sub-17)X, filed February 23, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Applicant seeks to remove restrictions in its Sub-10 and 11 certificates to (1) in Sub-10 (a) allow service at all intermediate points in connection with its regular route authority between Memphis, TN, and Bald Knob, AR and between Batesville, AR, and a named point (b) remove a restriction limiting servicing to Bald Knob, AR for the purpose of joinder only (c) remove the restriction against tacking its regular route authorities between Memphis, TN, and Bald Knob, AR and Little Rock, AR, and Ash Flat, Ar so as to provide a through service between Memphis, TN and Ash Flat, AR, (d) remove the restriction which prohibits transportation of traffic moving from or through points in the Little Rock, AR commercial zone, (2) in Sub-11 (a) allow service at all intermediate points in connection with its regular route between Memphis, TN, and a named facility at or near Magness, AR, and (b) remove a restriction against transportation of shipments originating at or destined to named AR points.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 99567 (Sub-6)X, filed February 26, 1981. Applicant: KANE FREIGHT LINES, INC., 229 Maple Street, P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-2 certificate to (1) broaden its commodity descriptions (a) from general commodities, (with exceptions), to "general commodities, (except classes A and B explosives)", and (b) from such commodities as are processed, packed, or distributed by meat-packing houses, and in connection therewith advertising matter and stationery, and packing-house products, to "such commodities as are dealt in or used by packing houses and materials, equipment, and supplies, used in the manufacture, sales, and distribution of the named commodities; and (2) change its one-way authority to radial authority between Williamsport, PA, and points in PA within 100 miles of Williamsport.

MC 114098 (Sub-55)X, filed February 25, 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 & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-3, 49F, 50F, and 51F certificates to (1) broaden the commodity description from hulled cottonseed and ground cottenseed flakes to "food and related products", from fertilizer to "chemicals and related products," from building or roofing slabs (made of Portland cement with wood fibre or wood chips aggregate), and composition boards and sheets (not including wall boarding or insulation boarding) to "building materials," and from hardboard to "lumber and wood products" in Sub-3; from lumber to "lumber and wood products" in Sub-49F, and 51F; from iron and steel articles to "metal products" in Sub-50; (2) remove the in bulk, and in tank and hopper-type vehicles and in bags, and on flat-bed trailers restriction in Sub-3; (3) replace specified cities with county-wide authority, from Black Mountain, Charlotte, and Conway, NC to Buncombe, Mecklenburg, and Northampton Counties, NC, from Augusta, GA to Richmond County, GA, from Spartanburg, SC to Spartanburg County, SC, and from Newark, OH, to Hicking County, OH in Sub-3; (4) replace one-way authority with radial authority between Mecklenburg, NC, and, Richmond, GA, Spartanburg County, SC, and, points in NC, Richmond, VA, and, points in 12 named States and a described portion of TN, Northampton County, NC, and points within 10 miles thereof, and, 11 named States, AR (except Benton, AR) and a described portion of TN, Hicking County, OH, and, points in WV in part (A) of Sub-3, between (a) Buncombe County, NC and points in SC, KY, and described portions of TN, NY, and PA, in part B of Sub-3; between Georgetown County, SC, and, points in NC, SC, and VA in Sub-49F; and between (1) Georgetown County, SC, and, points in GA, MD, and TN, and (2) points in SC, and, points in NC in Sub-51F.

MC 117883 (Sub-275)X, filed February 25, 1981. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Box 62, Versailles, OH 43580. Representative: E. Stephen Heisley, 805 McLanchlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-2, 12, 77, 139, 184, 185, 233F, 234F, and 266F certificates to (1) broaden the commodity descriptions from: (a) washing machines and laundry equipment, sheet 3, and farm machinery, implements, and equipment, sheet 4, to "machinery" in Sub-2, (b) flat glass, sheet 6, glass, glass ware, and glass containers, sheet 9, in Sub-2, glass in Sub-12 and 185, and brick, brick products in Sub-266F to "clay, concrete,

glass or stone products"; (c) dairy products, sheet 7, meats, meat products, and meat by-products, sheet 8, and foods and foodstuffs, sheet 11, to "food and related products" in Sub-2, (d) petroleum and petroleum products, and lubricating oils and greases, and carbons, gum and sludge removing compounds to "petroleum, natural gas and their products and chemicals and related products" in Sub-77, (e) alkalies, sheet 1, to "chemicals and related products", rubber articles, sheet 2, to "rubber and plastic products", and tinplate, metal lockers, and metal shelving to "metal products and furniture and fixtures" in Sub-139, and (f) paper and paper products and products produced or distributed by manufacturers and converters of paper and paper products to "such commodities as are dealt in or distributed by manufacturers and converters of paper and paper products" in Sub-184; (2) expand territorial descriptions from plantsite facilities or point authorities to counties: (a) Greenville to Darke County, OH, and Dayton to Montgomery County, OH, sheet 2, Bellevue to Huron County, OH, Knightstown to Henry County, IN, Sterling to Whiteside County, IL and Chicago Heights to Cook County, IL, sheet 4, Clarksburg to Harrison County, WV, sheets 2, 6, and 9, Covington to Miami County, OH, sheet 7, Columbus to Bartholomew County, IN, Terre Haute to Vigo County, IN, and Danville to Vermilion County, IL, sheet 8, Grafton to Taylor County, WV, sheet 9, and Champaign to Champaign County, IL, sheet 11, in Sub-2, (b) Charleston to Kanawha County, WV in Sub-12, (c) Oil City, Reno, and Rouseville to Venango County, PA and Warren to Warren County, PA in Sub-77, (d) Barberton and Akron to Summit County, OH and Canton to Stark County, OH, sheets 1 and 2, in Sub-139, (e) West Carrollton to Montgomery County, OH in Sub-184, (f) Jerry Run to Taylor County, WV in Sub-185, (g) Hamilton to Butler County, OH in Sub-233F; and (h) Cheswick to Allegheny County, PA in Sub-266F; (3) replace one-way authority with radial authority between (a) points in IL, IN, WI, MI and Harrison County, WV, sheet 2, Chicago, IL and Darke and Montgomery Counties, OH and Columbus, OH, sheet 3, Harrison County, WV and Detroit, MI, Harrison County, WV and points in IN and IL, sheet 6, Bartholomew and Vigo Counties, IN, Vermilion County, IL and points in CT, DE, ME, MD, MA, NH, NJ, RI, VT, VA, WV, and DC (with exceptions) sheet 8, Harrison and Taylor Counties, WV and points in WI, sheet 9, and Champaign County, IL and points in IA, IN, KY, MI, MN, MO, NE, and WI and points in IL and points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, sheet 11, in Sub-2; (b) Kanawha County, WV, points in PA and points in WI in Sub-12; (c) Venango and Warren Counties, PA and points in IL, IN, and MI in Sub-77; (d) Summit and Stark Counties, OH and Chicago, IL, sheet 1 and 2, in Sub-139; (e) Dayton and Montgomery Counties, OH and Clinton and Des Moines, IA, St. Louis, MO and points in those parts of IL and IN in Sub-184; (f) Cincinnati, Butler County, and Middletown, OH and points in 23 named States and DC in Sub-233F and 234F; and (g) Allegheny County, PA and points in IL in Sub-266F; and (4) remove the restrictions (a) except in bulk" sheet 11, Sub-2; (b) "originating at and destined to" in Sub-2, 184, 185, 233F, 234F and 266F; (c) "other than in bulk, in tank vehicles" Sub-77; (d) "except commodities in bulk, in tank vehicles" in Sub-233F and 234F; and (e) "in refrigerated equipment" and against interlining at Versailles, OH, sheet 7, Sub-2.

MC 117883 (Sub-276)X, filed February 26, 1981. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 26, 87, 106, 119, 177, 196, 198, 211, and 222 certificates, and E-54, E-55, E-57, and E-77 Letter Notices to (1) broaden the commodity descriptions to "food and related products" from its authority to handle specified commodities such as bananas, frozen foods, food and food products, foodstuffs, dairy products as defined in section B of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, and similar commodity descriptions; (2) expand territorial descriptions from facilities or point authorities to city-wide or county-wide authority (a) New York, NY; Baltimore, MD; and Wake, Pitt and Pasquotank Counties, NC for port facilities in New York, NY and NJ and in New York, NY commerical zone, as defined by the Commission, port facilities in Baltimore, MD, and Raleigh, Greenville, and Elizabeth City, NC, in Sub 26; (b) Essex, Middlesex, Norfolk, Suffolk, Bristol, Plymouth and Worcester Counties, MA, for facilities in those counties, in Sub 87; (c) Nassau County, NY for a specific portion of the Nassau County, NY, in Sub 106; (d) Chester County, PA, for Kennett Square, Kelton, and Avondale, PA in Sub 119; (e) Allegheny County, PA for Crafton, PA, in Sub 198; (3) broaden the territorial description from one-way authority to radial authority: (a) between Philadelphia, PA and Chicago, IL, Detroit, MI and Richmond, VA; between New York, NY and Wake, Pitt, and Pasquotank Counties, NC; and between New York, NY and Baltimore, MD, and St. Louis, MO, WI, MI, IL, IN, OH, KY, VA, WV, PA, DE, MD, DC, NY (except Westchester and Nassau Counties) and NJ (except Passaic, Union, Middlesex, Hudson, Essex and Bergen Counties), in Sub 26; (b) between Essex, Middlesex, Norfolk, Suffolk, Bristol, Plymouth, and Worcester Counties, MA, and DE, IN, IL, IA, KS, KY, MD, MI, MN, MO, NE, OH, VA, WV, WI, DC, and points in NY and PA on and west of Interstate Highway 81, in Sub 87; (c) between New York, NY, Nassau County, NY and Bergen, Essex, Hudson, Passaic, and Union Counties, NJ, and points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, WI, WV, and PA on and west of the U.S. Highway 15, in Sub 106; (d) between Philadelphia, PA and Wilmington, DE, and points in IL, IN, IA, MN, MO, KY, MI, OH, and WI; and between Chester County, PA and points in IL, IN, IA, KY, KS, MI, MN, MO, NE, OH, and WI, in Sub 119; (e) between OH and Kenton County, KY and points in twenty-four states and DC in Sub 177; (f) between St. Louis, MO, and, points in fourteen states and DC, and Boone, Campbell and Kenton Counties, KY, in Sub 196; (g) between Allegheny, Butler, Lawrence, Mercer, and Washington Counties, PA, and points in twenty-three states and DC and in Sub 198; (h) between Newport News, VA, and points in fourteen states and DC and Sub 211; (i) between the Lower Pennisula of Michigan and points in twenty-four states and DC in Sub 222; (j) between RI and points in ten states in E-54; (k) between CT and points in ten states in E-55; (l) between MA and points in nine states and OH on and south of U.S. Highway 322 in E-57; and (m) between NJ and points in IL, WI, MN, IA, MO, NE, and KS in E-77; and (4) remove the restriction (a) against transportation of shipments in bulk in Subs 106, 119, 177, 196, 198, 222 and E-54, E-57, and E-77; (b) against the transportation of sugar to IN in Subs 106, 119, and E-54, and E-55; (c) requiring transportation to be conducted in mechanically refrigerated equipment in Sub 198 and E-54, E-55, E-57, and E-77; (d) requiring movement to be conducted in ocean containers and that shipments have a prior movement by water, in Sub 211; and (e) eliminate the "originating at and destined to"

restriction in Subs 119, 177, 196, 198, and 222.

MC 121470 (Sub-79)X, filed February 23, 1981. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-Nos. 14F and 69F certificates to (1) broaden the commodity description to "metal products" from zinc, zinc alloys, and zinc products, and equipment, machinery materials and supplies (except in bulk), in Sub-No. 14F; and to "metal products and machinery" from heat exchangers, heat equalizers, heating, cooling, conditioning, humidifying dehumidifying, and gas, and liquid moving equipment, and materials equipment, and supplies used in the manufacture and distribution of said commodities (except commodities in bulk), in Sub-No. 69F, (2) remove restriction to traffic originating at or destined to named origins and named destinations except traffic moving in foreign commerce, in Sub-No. 14F and (3) broaden the territorial application by replacing one way authority with radial authority, in Sub-No. 14F between Montgomery County, TN and points in the U.S. in and east of ND, SD, NE, KS, OK and TX and in Sub-No. 69F between Fayette County, KY and points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 121496 (Sub-No. 62)X, filed February 25, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub 9F certificate, to (1) broaden the commodity description from "liquid chemicals, in bulk," to "commodities in bulk", and (2) broaden the territorial description by (a) replacing the facilities restriction at Port Neches, Youens and Austin, TX with "points in Travis, Montgomery and Jefferson Counties, TX", (b) eliminate the "except AK, HI and TX" restriction; (c) broaden the territorial description from one-way authority to radial authority between the counties named above, and, points in the U.S.; and (d) remove the "originating at" restriction.

MC 121649 (Sub-No. 7)X, filed February 24, 1981. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to (1) remove all restrictions in its general commodities authority "except classes A and B explosives," (2) authorize service at all intermediate points in connectioin with its regular-route operations in TN and KY, and (3) remove the restrictions against the transportation of traffic that origniated at, is destined to or interlined at various combinations of the following points: Fulton, KY, Memphis, Jackson, and Nashville, TN, and 20 other TN cities; against interchange with a named carrier; against service to Dyersburg and Newbern, TN and points in that part of the Memphis commercial zone located in AR and MS; and restrictions against tacking of various regular routes.

MC 124835 (Sub-No. 29)X, filed February 26, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 17F, 19F and 23F certificates to (1) broaden the commodity descriptions from chemicals, in bulk, in tank vehicles, to "commoditles in bulk" in Sub-Nos. 17F and 19F; (2) replace city-wide with county-wide authority from: Chattanooga to Hamilton County, TN in Sub-No. 17F, and Cartersville to Bartow County, GA in Sub-No. 19F; (3) change one-way authority to radial authority between: Hamilton County, TN and Bartow County, GA and points in the US in and east of ND, SD, NE, KS, OK, and TX in Sub-No. 17F and 19F; and Memphis, TN and points in AL, AR, KY, LA, MS, and TN in Sub-No. 23F, and (4) remove the facilities restriction of Transbulk, Inc., from Sub-No. 23F.

MC 128279 (Sub-No. 42)X, filed February 26, 1981. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd (same as above). Applicant seeks to remove restrictions in its Sub-No. 19 certificate which authorizes general commodities (with the usual exceptions) to remove the restriction against service between points on Federal or States Highways so designated on November 3, 1942, other than Albuquerque, NM, from its non-radial authority between points in those parts of NM, CO, and AZ within 200 miles of Albuquerque, NM.

MC 129177 (Sub-No. 1)X, filed February 23, 1981. Applicant: POVERO TRUCKING COMPANY, 972 Banksville Road, Pittsburgh, PA 15216. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities, with usual exceptions and those injurious or contaminating to other lading; (2) broaden existing city-wide service to county-wide authority: in part (a), Lawrence County, PA, for New Castle, PA, Allen County, IN, for Fort Wayne, IN, Lorain County, OH, for Lorain, OH; in part (b), Lawrence County, PA, for New Castle, PA, Bergen County, NJ, for Mahwah, NJ; and (3) broaden existing one-way service to radial authority, in part (a), between points in Lawrence County, PA, and points in PA within 20 miles of New Castle, PA, and, points in Allen County, IN and South Bend, IN, Cincinnati, OH and Lorain County, OH, Wheeling, WV, Irvington and Newark, NJ, and New York, NY; and in part (b), between points in Lawrence County, PA, and points within 20 miles of New Castle, PA, and Bergen County, NJ.

MC 129325 (Sub-No. 10)X, filed February 24, 1981. Applicant: DIAZ MOTOR FREIGHT, INC., P.O. Box 8266, New Orleans, LA 70122. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, and 9 certificates to (1) broaden the commodity descriptions to (a) "metal products" from iron and steel articles in the lead and Sub-No. 4 and steel reinforcing bars and wire rods in Sub-No. 9; (b) "rubber & plastic products" from plastic pipe in Sub-No. 3; and (c) "food and related products and chemicals and related products" from vegetable oils, in containers, in Sub-No. 6; (2) replace plantsites with city-wide or county-wide authority: St. Rose, LA with St. Charles Parish, LA in Sub-No. 6 and Beaumont, TX in Sub-No. 9, (3) change the one-way authorities to radial authorities between: New Orleans, LA, and, points in AR, AL, GA, LA, MS, TN, and in described parts of TX and FL in the lead; Houston, TX and points in the U.S. in Sub-No. 3; New Orleans, LA and points in a described part of FL in Sub-No. 4; St. Charles Parish, LA and New Orleans, LA in Sub-No. 6; and Beaumont, TX and New Orleans, LA in Sub-No. 9, (4) eliminate the exception of AK, HI, and TX in Sub-No. 3, and (5) remove the restriction limiting service to the transportation of traffic having an immediately subsequent movement by water in Sub-No. 6.

MC 129410 (Sub-No. 25)X, filed February 23, 1981. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 11F, 13F, 14F,

18F, 19F, 21F, and 22F permits to (1) broaden the commodity descriptions to (a) "dairy products" from cottage cheese in the lead; (b) "food and related products" from liquid corn syrup, in Sub-No. 11F, liquid sugar in Sub-No. 13F, liquid corn products in Sub-No. 14F, liquid sweeteners in Sub-No. 18F, sugar, syrup, (high fructose), and blends of sugar and syrup in Sub-No. 19F, molasses and animal feed in Sub-No. 21F, and liquid sugar and blends of liquid sugar in Sub-No. 22F; and (c) "machinery" from agricultural pneumatic conveyors and accessories in Sub-No. 6; (2) remove the "in bulk" restriction in Sub-No. 11F and "in bulk, in tank vehicles" restriction in Sub-Nos. 13F, 21F and 22F; (3) eliminate the named facilities in Sub-Nos. 6, 11F, 13F, 14F, 18F, 19F, 21F, and 22F; and (4) expand its territorial authorities to between points in the U.S., under continuing contract(s) with named shippers in the above permits.

MC 135231 (Sub-No. 54)X, filed February 27, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-Nos. 22F, 25 and 32F certificates to (1) broaden the commodity descriptions to (a) "transportation equipment" from snowmobiles, motor bikes, boats, part and accessories in Sub-Nos. 22F (Part I) and 25; and (b) "machinery" from sound reproducing equipment in Sub-Nos. 22F (Part I) and 32F, and agricultural implements and parts thereof in Sub-No. 22F (Part II); (2) remove the plantsite restrictions and replace with county-wide or city-wide authority: Crosby with Crow Wing County, MN, Roseau with Roseau County, MN, Thief River Falls with Pennington County, MN, Karlstad with Kitton County, MN, Rochester with Olmsted County, MN, Minneapolis, MN, Omaha, NE in Sub-No. 22F, Lancaster County, NE in Sub-No. 25, and Blue Earth with Fairbault County, MN in Sub-No. 32F. Applicant also seeks to (1) change its one-way authorities to radial authorities between: Crow Wing, Roseau, Pennington, Kitton and Olmsted Counties, MN, Minneapolis, MN and Omaha, NE, and, points in the U.S. in Sub-No. 22F (Part I); (b) Pennington County, and Minneapolis, MN, and, points in the U.S. in Sub-No. 22F (Part II); (c) Fairbault County, MN, and, points in U.S. in Sub-No. 32F; and (d) Lancaster County, NE, and, points in U.S. including ports of entry between U.S. and Canada; (2) remove the "except AK and HI" restriction in the sub-numbers above, (3) eliminate the restriction limiting service to the transportation of traffic originating at the named origins and destined to the indicated destinations in Sub-Nos. 22F and 32F; and (4) remove the "except commodities in bulk" restriction in Sub-Nos. 22F and 32F; and (5) remove the restriction against tacking in Sub-No. 22F and replace it with "carrier's authority to tack will be governed by 49 CFR 1042".

MC 138144 (Sub-No. 62)X, filed February 23, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions from its Sub-Nos. 2, 8, 11, 12, 16, 17, 19, 20, 22, 24, 25, 26, 29F, 32F, 35F, 37F, 42F, 44F, 49F, 52F, and 54F certificates to (1) broaden the commodity descriptions from: (a) iron and steel articles, metal articles, wrought iron pipe, cast iron pipe, hydrants, valves, fittings, couplings, and castings to "metal products" in Sub-Nos. 2, 11, 12, 20, 22, 25F, 35F, 37F, and 54F; (b) heat exchangers and equalizers for air, gas, liquid and machinery and equipment for heating, cooling, conditioning, etc. to "metal products and machinery" in Sub-No. 8; (c) lumber, lumber products, lumber mill products, poles, posts, and pilings to "lumber and wood products" in Sub-No. 16; (d) fertilizer compounds, ice melting compounds, and vermiculite products to "chemicals and related products and clay, concrete, glass or stone products" in Sub-No. 17; (e) buildings and parts, accessories, and equipment used in the installation of buildings to "buildings and building materials" in Sub-No. 24 (f) iron, steel, zinc, lead, and articles or products thereof; springs to "metal products, ores and minerals, and chemicals and related products" in Sub-No. 25; (g) plastic pipe, fittings, couplings, valves and hydrants, materials, supplies and equipments to "rubber and plastic products and metal products" in Sub-Nos. 29F and 42F; (h) roofing to "building material" in Sub-No. 44F; (i) insulation board, materials, supplies, cement pipe, and plastic pipe to "building materials, and rubber and plastic products" in Sub-No. 49F; and (j) fertilizer to "chemicals and related products" in Sub-No. 52F; (2) replace facilities limitations with city-wide or county-wide authority in Sub-Nos. 2, 12, 20, 24, 25, 26F, 29F, 32F, 35F, 37F, 42F, 44F, 49F, 52F, and 54F and change specific point or city-wide authority to county-wide authority from: Joliet, and Waukegan, to Will, and Lake Counties, IL, respectively, East Chicago, Gary and Hammond to Lake County, IN in Sub-No. 2; Earlville to LaSalle County, IL, Wausau to Marathon County, WI in Sub-No. 11; Coshocton to Coshocton County, OH in Sub-No. 12; Beardstown to Cass County, IL in Sub-No. 16; Union Grove to Racine County, WI and Kenosha to Kenosha County, WI in Sub-No. 17; Northbrook to Cook County, IL in Sub-No. 19; New Lennox Township to Will County, IL in Sub-No. 22; Brookfield to Waukesha County, WI and Milton to Northumberland County, PA in Sub-No. 24; Blue Island to Cook County, IL, Joliet to Will County, IL, Grand Rapids to Kent County, MI, Lansing to Ingham County, MI, Centerville to Appanoose County, IA, Ft. Wayne to Allen County, IN, Kokomo to Howard County, IN Elkhart to Elkhart County, IN, Cicero to Hamilton County, IN in Sub-No. 25; Kankakee to Kankakee County, IL, Granite City to Madison County, IL, Eureka to Woodford County, IL, and DeKalb to DeKalb County, IL in Sub-No. 25; Buckhannon to Upshur County, WV in Sub-No. 29F; Sterling to Whiteside County, IL in Sub-No. 35F; Chicago, Evanston and Blue Island to Chicago, IL in Sub-No. 37F; Columbia to Boone County, MO in Sub-No. 42F; Chicago and Wilmington to Chicago, IL in Sub-No. 44F; Alexandria to Madison County, IN, Rockdale to Will County, IL, Waukegan to Lake County, IL, and Wilton to Muscatine County, IA in Sub-No. 49F; Dubuque to Dubuque County, IA, Peoria, Fulton, and Pekin to Peoria, Whiteside, and Tazewell Counties, IL, respectively, in Sub-No. 52F; and Canfield to Mahoning County, OH, Martins Ferry and Yorkville to Belmont County, OH, and Mingo Junction and Steubenville to Jefferson County, OH Allenport to Washington County, PA, Monessen to Westmoreland County, PA Beech Bottom and Follansbee to Brooke County, WV, Benwood to Marshall County, WV, and Wheeling to Ohio County, WV, (3) broaden the territorial description from one-way authority to radial authority between numerous combinations of specified origins in IL, IN, OH, WI, PA, MI, IA, MS, WV, and MO, and points in the U.S. for example: points in Chicago, Lake, and Will Counties, IL, and Lake County, IN and, points in IA and MO; points in Lake County, IN and points in IA, MO, and NE; points in Lake County, IN, and points in IA and NE; and points in Milwaukee, WI, and points in IA, MO, and NE in Sub-No. 2; points in LaSalle County, IL, and points in Marathon County, WI in Sub-No. 11; Coshocton County, OH, and, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, PA, SD, and WI, in Sub-No. 12; Cass County, IL, and,

points in IA, MN, MO and WI in Sub-No. 16; Racine and Kenosha Counties, WI, and, points in Illinois in Sub-No. 17; Cook County, IL, and, points in IA, MO, and NE in Sub-No. 19; Chicago, IL, and, points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD, and TX in Sub-No. 20; Will County, IL and points in Callaway County, MO and Coffey County, KS in Sub-No. 22; Waukesha County, WI and Northumberland County, PA, and, points in the U.S. in Sub-No. 24; Cook and Will Counties, IL, Kent and Ingham Counties, MI, Toledo and Columbus, OH, Appanoose County, IA, Allen, Howard, Elkhart, and Hamilton Counties, IN, Jackson, MS, and points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MO, MS, MN, NE, ND, OH, OK, PA, SD, TN, TX, and WI in Sub-No. 25; Upshur County, WV, and points in MI, OH, IL, IN, MO, IA, MN, WI, ND, SD, NE, and KS in Sub-No. 29F; Chicago, IL, and points in KS, IA, MN, MO, NE, ND, SD, and WI in Sub-No. 32F; and various other combinations in Sub-Nos. 35F, 37F, 42F, 44F, 49F, 52F, and 54F; and (4) eliminate the restrictions (a) except in bulk from Sub-Nos. 8, 11, 12, 16, 17, 24, 25, 26, 29F, and 32F; (b) except containers and container ends in Sub-No. 19; (c) except metal containers and container lids in Sub-No. 20; (d) except cement pipe in Sub-No. 49F; (e) originating at or destined to a named plantsite, warehouse or storage facilities in Sub-Nos. 2, 12, 20, 24, 25, 26, 29F, 32F, 35F, 37F, 44F, 49F, 52F, and 54F; (f) "originating at and destined to" in Sub-Nos. 2, 8, 16, 19, 35F, and 42F; (g) AK and HI in Sub-Nos. 8 and 24; and (h) size and weight in Sub-No. 11.

MC 138466 (Sub-2)X, filed February 26, 1981. Applicant: RMK TRUCKING, INC., 500 Skokie Blvd., Northbrook, IL 60062. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 1 permit (1) to broaden the territorial descriptions to between points in the U.S. under contract(s) with a named shipper, and (2) to broaden the commodity description from corrugated paper products and interior packing forms to "pulp, paper and related products and such commodities as are used or dealt in by manufacturers of interior packing forms".

MC 140615 (Sub-63)X, filed February 23, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 4, 10, 22F, 29F, 32F, 46F, and 52F certificates to (1) broaden the commodity description from balsa wood, to "lumber and wood products" in Sub-No. 4; from nonexpanded plastic materials, polystyrene products, and plastic materials, plastic products, and liquid latex to "rubber and plastic products", in Sub-Nos. 10, 22F, 29F, 32F, and 46F; from paper and paper articles to "pulp, paper and related products and printed matter" in Sub-No. 52F; (2) remove the restrictions "except in bulk" in Sub-Nos. 10, 22F, 32F, and 52F and "except in bulk, in tank vehicles" in Sub-No. 29; (3) remove the facilities limitation at South Brunswick and Finderne, NJ, in Sub-No. 32F; (4) replace specific points with county-wide authority as follows: (a) Northvale with Bergen County, NJ, Pulaski with Brown County, WI and Wausaukee with Wausaukee County, WI, in Sub-No. 4; (b) Peru with LaSalle County, IL, Leominster with Worcester County, MA, in Sub-No. 10; (c) Webster with Day County, SD; Jamesburg with Middlesex County, NJ, Leominster with Worcester County, MA, Kobuta and Monaca with Beaver County, PA, Peru with LaSalle County, IL, Belgrade with Gallatin County, MT, Webster with Day County, SD, Pembine with Winnebago County, WI, Marne with Ottawa County, MI, in Sub-No. 22F; (d) Monaca with Beaver County, PA, in Sub-No. 29F; (e) South Brunswick with Middlesex, NJ, Finderne with Somerset, NJ, in Sub-No. 32F; (f) Marne with Ottawa County, MI, in Sub-No. 46F; (g) Neenah and Menasha with Winnebago County, WI, and Hartford with Washington County, WI, in Sub-No. 52F; (5) remove the "originating at and destined to" restriction in Sub-Nos. 29F and 32F; and (6) expand its one-way authority to radial authority between named counties in 4(a)-(G) above in combinations with named points and states in the United States in and east of ND, SD, NE, CO, OK, and TX.

MC 140615 (Sub-64)X, filed February 27, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address). Applicant seeks to remove restrictions in its Sub-Nos. 20, 28F, and 31F certificates to (1) broaden the commodity descriptions from inedible cheese by-products to "food and related products"; from lighting fixtures and parts and accessories to "machinery"; and from wire goods to "metal products"; (2) remove the bulk restrictions in Sub-No. 28F; (3) delete the facilities origin and destination limitations in Sub-No. 31F; (4) replace city-wide authority with county-wide authority: in Sub-No. 20, Hanover and York with York County, PA, and Rice Lake with Barron County, WI; in Sub-No. 28F, Hainesport and Pennsauken with Burlington and Camden Counties, NJ; in Sub-No. 31F, Bristol with Bucks County, PA; (5) expand its territorial authority to authorize radial service between the above-named points, and in some instances, points in the U.S. or specified States; and (6) remove the AK and HI exception in Sub-No. 28F.

MC 142168 (Sub-5)X, filed February 26, 1981. Applicant: CARL'S BUTTON & STITCH, INC., Route 613, Box 424, Payne, OH 45880. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Applicant seeks removal of restrictions in its Sub-No. 3F certificate to (1) broaden the commodity description by removing all restrictions in its general commodities authority "except Classes A and B explosives," and (2) broaden the territorial description by removing restrictions which limit service to the transportation of traffic originating at or destined to named facilities, replacing the specifically named facilities and cities with county-wide authority, and authorizing radial service: between Madison County, AL (Huntsville, AL), Hartford County, CT (Hartford and Windsor, CT), Cook and Clark Counties, IL (Bellwood and Marshall, IL), De Kalb and Lake Counties, IN (Garrett and Gary, IN), Lee and Beaufort Counties, NC (Sanford and Washington, NC), Jacksonville, NC, Montgomery and Lorain Counties, OH (Dayton and Elyria, OH), Schuylkill County, PA (Pine Grove, PA), Los Angeles County, CA (City of Industry, CA), Amarillo, Dallas, and Houston, TX, Seattle, WA, and points in AL, CT, FL, GA, IL, IN, IA, MD, MA, MI, NE, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and WI.

MC 142336 (Sub-3)X, filed February 24, 1981. Applicant: D. TERRY CHAMNESS, d.b.a. TERRY'S ROAD, TRUCK & WRECKER SERVICE, 4331 South 12th Street, Kalamazoo, MI 49009. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Applicant seeks to remove restrictions in its Sub-No. 1 certificates to (1) broaden its commodity description from wrecked, disabled, repossessed and replacement motor vehicles, in truckaway service, to "transportion equipment"; (2) replace its city-wide authority in Battle Creek, MI, with county-wide authority to authorize service radially between Kalamazoo, and Calhoun Counties, MI, and points in 17 eastern States, and (3) remove the "in truckaway service" restriction.

MC 143059 (Sub-168)X, filed February 26, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box

35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 74F certificate to (1) broaden the commodity description "general commodities (except commodities in bulk and Classes A and B explosives)" by removing the in-bulk restriction; (2) broaden the territorial scope by replacing a facility in Henderson County with city-wide authority of Henderson, KY, (3) by removing the restriction against traffic having a prior or subsequent movement by rail or water in its operations between Henderson, KY and points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI; and remove the restriction limiting transportation to traffic originating at or destined to named facilities.

MC 144643 (Sub-14)X, filed March 3, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Applicant seeks to remove restrictions in its Sub-No. 2F permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 144696 (Sub-8)X, filed February 26, 1981. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 5F permit to (1) broaden the commodity description to "chemicals and related products" from drugs and toilet articles, and materials and supplies (except in bulk), and (2) broaden the territorial description to authorize between points in the United States, under continuing contract(s) with a named shiper.

MC 149199 (Sub-3)X, filed March 2, 1981. Applicant: WESTERFELD TRUCK LEASING, INC., R.R. 10, Greensburg, IN 47240. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F permits to (1) broaden the commodity description in Sub-No. 1F from foodstuffs to "food and related products", (2) remove the restrictions limiting service to vehicles equipped with mechanical refrigeration, and (3) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 145399 (Sub-4)X, filed February 26, 1981. Applicant: SHAY DISTRIBUTING CO., INC., 10180 Beech Avenue, Fontana, CA 92335. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-2F certificate to (1) broaden the commodity description from frozen foods to "foods and related products," (2) broaden its territorial authority from city-wide to county authority and broaden its one-way authority to radial authority, between Los Angeles, CA and points in Orange (Santa Anna, CA) and Riverside (Riverside, CA) Counties, CA, on the one hand, and on the other, points in the U.S., (3) remove the AK, CA and HI exceptions, and (4) remove the restriction to traffic originating at named facilities in the above cities.

MC 145904 (Sub-35)X, filed February 20, 1981. Applicant: SOUTH WEST LEASING, INC., 170 West 18th Street, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-1F, 4F, 5F, 6F, 12F, 15F, 18F, 19F, 21F, and 22F certificates to (1) broaden the commodity descriptions to (a) "food and related products" from 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 (except hides and commodities in bulk) in Sub-1F, 4F, 6F, and 12F, salad dressings in Sub-5F and 19F and confectionery (except in bulk) in Sub-22F; and (b) "metal products" from iron and steel bars in Sub-18F; (2) remove the "except in bulk" restriction in Sub-15F and 21F; (3) eliminate the restriction limiting service to the transportation of traffic originating at named origins and destined to named destinations in Sub-1F, 4F, 6F, 12F, 18F, and 22F; (4) replace authority to serve specified facilities at named points with county-wide or city-wide authority; Cedar Rapids and Tama with Linn and Tama Counties, IA in Sub-1F; Sioux Falls with Minnehaha County, SD and Estherville with Emmet County, IA in Sub-4F; Carroll, Cherokee, Denison, Fort Dodge and Iowa Falls with Carroll, Cherokee, Crawford, Webster, and Hardin Counties, IA, and Crete and Lincoln with Saline and Lancaster Counties, NE in Sub-6F; Cedar Rapids with Pinn County, IA and Marshall with Saline County, MO in Sub-12F; Chicago, IL in Sub-15F, 18F, 21F, and 22F; and replace Grundy Center with Grundy County, IA; and (5) extend its one-way authority to authorize radial service between IA, SD, NE, MO and IL, and 25 specified States located throughout the U.S.

MC 148591 (Sub-2)X, filed February 23, 1981. Applicant: KILE TRANSFER CORP., 4600 78th Street, Urbandale, IA 50322. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in certificate No. MC 129802 (Sub-4) which was acquired in MC-FC-78402, which authorizes the transportation of general commodities (with the usual exceptions) to allow service at all intermediate points between Des Moines and Bedford, IA, and between Mt. Ayr and Leon, IA.

MC 150434 (Sub-4)X, filed February 23, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 S. Reservoir St., Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30303. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; and (2) remove the restrictions against service to AK and HI on its authority between points in the U.S., and limiting service to the transportation of traffic moving on a bill of lading of a named freight forwarder.

[FR Doc. 81-8110 Filed 3-16-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority 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–3–006

Decided: March 5, 1981.

By the Commission, Review Board No. 1, Members Carleton, Fisher, and Williams.

MC 2934 (Sub-102), filed February 9, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Indianapolis, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *appliances and electrical equipment*, between points in Marion County, IN and Lucas County, OH, on the one hand, and, on the other, points in Lucas County, OH, Orange County, FL, Philadelphia County, PA and Warren County, NY.

MC 6974 (Sub-8), filed February 9, 1981. Applicant: PHILIP ANTONUCCI, d.b.a., ANTY TRUCKING, 148 Linwood Avenue, Paterson, NJ 07502. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *machinery*, between points in NJ, NY and PA, on the one hand, and, on the other, points in the U.S.

MC 26825 (Sub-54), 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. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of laboratory and medical supplies, between the facilities used by Sherwood Medical Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 80064 (Sub-3), filed February 9, 1981. Applicant: B. F. KAUFFMAN MOTOR EXPRESS, INC., 1007 Harrisburg Ave., Lancaster, PA 17603. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Damp Hill, PA 17011, (717) 761–0520. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Culbro General Cigar and Tobacco Division, New York, NY, Domestic Tobacco Co., Inc., Lancaster, PA, House of Windsor, Inc., Windsor, PA, Lancaster Threaded Products, Inc., Lancaster, PA, and Union Camp Corporation, Wayne, NJ, Consolidated Cigar Company, New York, NY.

MC 116544 (Sub-242), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *metal products* and *furniture and fixtures*, between the facilities of Leggett & Platt, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116544 (Sub-245), filed February 9, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *chemicals and related products*, between points in CA and NV, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, OK, and TX.

MC 116915 (Sub-139), filed February 9, 1981. Applicant: ECK MILLER TRANSPORATION CORP., 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*, and *fabricated metal products*, and *machinery*, between points in Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 123274 (Sub-7), filed February 9, 1981. Applicant: MARSHALL SERVICE, INC., Pearl Street, Newfield, NJ 08344. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *commodities in bulk*, between points in MA, CT, NJ, NY, PA, DE, MD, VA and DC.

MC 125844 (Sub-26), filed February 9, 1981. Applicant: BIO-MED-HU, INC., 1901 Outer Loop, Louisville, KY 40219. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Premier Manufacturing Corp., of Memphis, TN, and Thermacoustics Corporation, subsidiary of Ram Industries, Inc., of Sellersburg, IN.

MC 127784 (Sub-6), filed February 9, 1981. Applicant: R & G AIRFREIGHT, INC., Schoenersville Road, R.D. 4, Allentown, PA 18103. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in Lehigh, Northampton, Monroe, Bucks, Schuylkill, Carbon, Philadelphia Counties, PA, New York, NY and NJ.

MC 135895 (Sub-124), filed February 9, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *plastic products*, between the facilities of Sewell Plastics, Inc., in the U.S., on the one hand, and, on the other, points in AL, AR, GA, LA, MS, TN and TX.

MC 140055 (Sub-2), filed February 9, 1981. Applicant: MAYS LANDING TRANSPORTATION CO., INC., 184 W. Sherman Ave., Vineland, NJ 08360. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *cement, sand, and gravel*, between points in the U.S., under continuing contract(s) with Mays Landing Sand & Gravel Co., Vineland, NJ.

MC 148035 (Sub-10), filed February 9, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 West

Dodge Road, Omaha, NE 68114, (402) 397–7033. Transporting *chemicals and related products, petroleum, natural gas and their products,* between points in Atchison County, KS, on the one hand, and, on the other, points in IA and NE.

MC 150185 (Sub-3), filed February 9, 1981. Applicant: STAN-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *medical equipment* and *motor vehicles and trailers* designed and equipped to transport such medical equipment and supplies, between points in the U.S., under continuing contract(s) with Trans-Mobile-Nuclear Corp., Cleveland Hts., OH.

MC 150954 (Sub-14), filed February 9, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Avenue, Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217, (512) 826–6496. Transporting *air heaters, burners, combustion equipment and machinery,* between points in the U.S., under continuing contract(s) with Coen Company, of Burlingame, CA.

MC 152004 (Sub-1), filed February 9, 1981. Applicant: J. R. DALTON AND SONS, Rt. 1 Box 155, Newport, WA 99156. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *lumber, wood products, and wood residuals,* between points in the U.S., under continuing contract(s) with Northwest Conifer Company, of Newport, WA.

MC 152074 (Sub-2), filed February 9, 1981. Applicant: KEY-STONE FREIGHT, INC., 767 St. George Street, Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. 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 Sunshine Biscuits, Inc., Sayreville, NJ.

MC 153314 (Sub-1), filed February 9, 1981. Applicant: M & D TRANSPORTATION, INC., 6538 North 57th Avenue, Box 775, Glendale, AZ 85301. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703, (608) 255–8891. Transporting *chemicals and related products,* between points in Maricopa County, AZ, Alameda, County, CA, and Cumberland County, ME, on the one hand, and, on the other, points in the U.S.

Volume No. OPY4–022

Decided: March 10, 1981.

By the Commission, Review Board No. 2, members Charleton, Fisher, and Williams.

MC 2277 (Sub-3), filed February 18, 1981. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., P.O. Box 992, Belleyville, IL 62221. Representative: Leslieann G. Maxey, 907 S. 4th St., Springfield, IL 62703 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kerr Glass Company, of Sand Springs, OK, Wal-Mart Stores, Inc., of Bentonville, AR, and Townhouse/Penthouse Industries, of St. Louis, MO.

MC 52657 (Sub-758), filed February 26, 1981. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Ct., Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant), (312) 986–8100. Transporting *transportation equipment,* between points in the U.S.

MC 112417 (Sub-4), filed February 9, 1981. Applicant: JOHN KOBLAN and MICHAEL KOBLAN, a partnership, d.b.a. CLIFF TRUCKING CO., 178 Middlesex Ave., Englewood Cliffs, NJ 07632. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting (1) *clay, concrete, glass or stone products,* and (2) *rubber and plastic products,* between points in Bergen County, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, and DC.

MC 144827 (Sub-56), filed February 10, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103, (901) 526–4114. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 153267, filed February 26, 1981. Applicant: MIDSTATE SYSTEMS, INC., 9455 Lancaster Rd., Hebron, OH 43025. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215 (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between points in Wayne County, IN, Mason County, MI, Will County, IL, New London County, CT, Jefferson County and St. Louis, MO, Fairfield, Hancock, Lawrence, Licking, Butler, and Putnam Counties, and Cincinnati and Columbus, OH, Fulton, Macon, and Calhoun Counties, GA, Muscatine, Clinton, and Scott Counties, IA, and Beaver County and Philadelphia, PA, and points in NJ and NY, on the one hand, and, on the other, points in the U.S.

MC 154287, filed February 20, 1981. Applicant: JELARCO, INC., 2309 26th St., NW., Rochester, MN 55901. Representative: William J. Keppel, 2300 First National Bank Bldg., Minneapolis, MN 55402. To engage in operations, in interstate or foreign commerce as a *broker,* at Rochester, MN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in charter, operations, beginning and ending at Rochester, NM, and extending to points in the U.S.

Volume No. OPY4–23

Decided: March 11, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 41406 (Sub-167), filed February 26, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Ralph D. Artim (same address as applicant), (219) 738–4500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA, and N.D.S., Inc., of Boston, MA.

MC 62296 (Sub-5), filed February 26, 1981. Applicant: WERNER BUS LINES, INC., Paradise and Chester Aves., Phoenixville, PA 19460. Representative: Richard M. Ochroch, 316 So. 16th St., Philadelphia, PA 19102, (215) 735–2707. Transporting *passengers and their baggage,* in special or charter operations, beginning and ending at points in Bucks, Delaware, Chester, Montgomery and Philadelphia Counties, PA, and extending to points in the U.S.

MC 138126 (Sub-47), filed February 26, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *food and related products,* between points in Hartford County, CT, Montcalm County, MI, Stark County, OH, Portage County, WI, Chester County, PA, Cassia County, ID, and Malheur County, OR, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-150), filed February 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *such commodities* as are dealt in by discount department stores,

between the facilities of Zayre Corporation, on the one hand, and, on the other, points in the U.S.

MC 139916 (Sub-149), filed February 26, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting (1) *chemicals and related products*, and (2) *petroleum, natural gas, and their products*, between the facilities of Phillip A. Hunt Chemical Corp., on the one hand, and, on the other, points in the U.S.

Volume No. OPY5–5

Decided: March 4, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 128409 (Sub-8), filed February 9, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN.

MC 128409 (Sub-8), filed February 9, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with American Crystal Sugar Company, of Moorhead, MN.

MC 128539 (Sub-17), filed February 9, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, 3204 Sunset Ave., Rocky Mount, NC 27801. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036, (202) 862–2038. Transporting *petrochemicals*, between points in Baton Rouge County, LA, Mecklenburg County, NC, and Greenville and Spartanburg Counties, SC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, MD, MS, NJ, NY, NC, OH, PA, TN, VA, and WV.

MC 133689 (Sub-355), filed February 12, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *clay, concrete, glass or stone products*, between points in Monroe County, MI, 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 135598 (Sub-52), filed February 10, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting (1) *rubber and plastic products*, and (2) *waste or scrap materials not identified by industry producing*, between points in Dallas County, TX, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, and WI.

MC 135598 (Sub-55), filed February 9, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities*, (except classes A and B explosives) between points in the U.S., under continuing contract(s) with J. M. Huber Corp., of Edison, NJ.

MC 138018 (Sub-66), filed February 9, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Jo Ann M. Harvey (same address as applicant) (303) 292–1960. Transporting *food and related products*, between points in CO, on the one hand, and, on the other, points in AR, AL, FL, GA, KY, NC, SC, TN, MS, and LA.

MC 138018 (Sub-67), filed February 9, 1981. Applicant: RFI TRANSPORT, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant), (303) 343–1975. Transporting *food and related products*, between points in FL, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 140539 (Sub-3), filed February 9, 1981. Applicant: TENNESSEE EXPRESS, INC., 22 Stanley St., Nashville, TN 37210. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Electric Company, Inc., of Atlanta, GA.

MC 140768 (Sub-49), filed February 10, 1981. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2)(a) *chemicals and related products*, (b) *rubber and plastic products*, and (c) *petroleum, natural gas and their products*, between points in Clayton and Fulton Counties, GA, Cook and Du Page Counties, IL, Jackson County, MO, Anoka County, MN, Bergen County, NJ, Dallas County, TX, King County, WA, and Alameda, Los Angeles, and Orange Counties, CA, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, KY, TN, and AL.

MC 140898 (Sub-10), filed February 9, 1981. Applicant: KENDRICK TRUCKING CORP., 728 Upsliner Rd., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney, Jr. (same address as applicant), (502) 366–4532. Transporting *industrial machinery*, points in AL, AR, FL, GA, IL, IN, IA, LA, KY, MI, MN, MS, MO, NC, NY, OH, PA, SC, TN, TX, VA, WV, and WI. Condition: The person or persons who appear to be engaged in common control of 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 to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications for common control to team 5 Room 6370.

MC 144888 (Sub-20), filed February 9, 1981. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., on the one hand, and, on the other, the facilities used by Ciba-Geigy Corporation, in the U.S.

MC 144969 (Sub-29), filed February 9, 1981. Applicant: WHEATON CARTAGE COMPANY, 3rd and G St., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting *food and related products*, between the facilities of Kikkoman Foods at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144969 (Sub-30), filed February 9, 1981. Applicant: WHEATON CARTAGE COMPANY, 3rd and G St., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace &

Co. at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 151839 (Sub-3), filed February 10, 1981. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy., Chesapeake, VA 23320. Representative: Blair P. Wakefield, Suite 1001 First & Merchants National Bank Bldg., Norfolk, VA 23510. (804) 627-0070. Transporting (1) *pulp, paper, and related products*, (2) *rubber and plastic products*, (3) *chemicals and related products*, and (4) *building materials*, between points in the U.S., under continuing contract(s) with Union Camp Corporation, of Wayne, NJ.

MC 152669 (Sub-2), filed February 9, 1981. Applicant: C & C TRUCKING, INC., Route 9, Box 222A, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *floor coverings*, between points in Iredell County, NC, on the one hand, and, on the other, points in the U.S.

MC 154099, filed February 9, 1981. Applicant: ALEX PRODUCTIONS, INC., d.b.a. BGT TRUCKING, P.O. Box 267, State Road 9, South Alexandria IN 46001. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638-1301. Transporting *such commodities* as are dealt in or used by a manufacturer of insulation, between points in the U.S., under continuing contract(s) with Rockwool Industries, Inc., of Denver, CO.

MC 154208, filed February 9, 1981. Applicant: CISCO TRUCKING COMPANY, a corporation, P.O. Box 75, Carlinville, IL 62626. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312) 236—9375. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Central Illinois Steel Co., of Carlinville, IL.

Volume No. OPY5-6

Decided: March 5, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce and Dowell.

MC 26739 (Sub-113), filed February 9, 1981. Applicant: ALFARM TRUCKLINES, a corporation, 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting (1) *forest products* and (2) *lumber and wood products*, between points in AL, AR, LA, MS, and TX, on the one hand, and, on the other, points in IL.

MC 72069 (Sub-34), filed February 17, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, D.C. 20005, (202) 296-3555. Transporting *such commodities* as are dealt in or used by food business houses between points in Frederick and Rockingham Counties, VA, Berkley County, WV, and Lincoln County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, OK, and TX.

MC 96719 (Sub-13), filed February 10, 1981. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, TX 79756. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, 512-472-8442. Transporting (1) *Mercer commodities* and (2) *earthdrilling equipment*, between points in AL, AR, AZ, CO, FL, ID, KS, LA, MS, MT, NE, NV, NM, ND, OK, SD, TX, UT, and WY.

MC 119789 (Sub-728), filed February 9, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant) 214-579-7110. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the U.S.

MC 119968 (Sub-24), filed February 10, 1981. Applicant: A. J. WEIGAND, INC., P.O. Box 130, 1046 N. Tuscarawas Ave., Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614-228-8575. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 119988 (Sub-276), filed February 17, 1981. Applicant: GREAT WESTERN TRUCKING COMPANY, INC., P.O. Box 1384, Lufkin, TX 75801. Representative: Larry Norwood (same address as applicant) (713) 632-5546. Transporting *lumber and wood products*, between points in OK, AR, MS, LA, and TX.

MC 123048 (Sub-492), filed February 9, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st St., Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703, 608-256-0606. Transporting *machinery* between the facilities used by Blaw-Knox Construction Company in Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 135648 (Sub-2), filed February 9, 1981. Applicant: ACKERMAN MOTOR LINES, INC., P.O. Box 509, East Plane St. and Maple Ave., Hackettstown, NJ 07840. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, CT, and DE.

MC 138999 (Sub-3), filed February 9, 1981. Applicant: FRED NARK and ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Apache Building Products Company, of Linden, NJ.

MC 140538 (Sub-7), filed February 17, 1981. Applicant: LESLIE NORMAN FRED, d.b.a. NORMAN FRED, DeSoto, IL 62924. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Prairie Farms Dairy, Inc., of Carlinville, IL.

MC 143438 (Sub-5), filed February 9, 1981. Applicant: DENISE, INC., DBA TRAVEL TIME, 277 Newbury St., Peabody, MA 01960. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413-781-8205. Transporting *passengers, and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Essex County, MA, and extending to points in the U.S., including AK but excluding HI.

MC 144239 (Sub-14), filed February 17, 1981. Applicant: J. L. T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322-5030. Transporting *such commodities* as are dealt in or used by food business houses, between points in CT, MA, NJ, and PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY5-7

Decided: March 5, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144999 (Sub-5), filed February 9, 1981. Applicant: JEM TRUCKING COMPANY, INC., P.O. Box 217, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969-3424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 145829 (Sub-23), filed February 9, 1981. Applicant: ETI CORP., P.O. Box 1 Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ, 201–435–7140. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with General Glass International Corp., of New Rochelle, NY. CONDITION: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 146288 (Sub-3), filed February 9, 1981. Applicant: AIR-SERVICE CONSOLIDATORS TRANSPORT, INC., P.O. Box 8714, 793 Beahan Rd., Rochester, NY 14624. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of optical goods, between points in the U.S., under continuing contract(s), with Bauch & Lomb Corporation (Soflens Division), of Rochester, NY.

MC 146448 (Sub-29), filed February 9, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, 1307 Dolly Madison Blvd., Suite 301, McLean, VA 22101, 703–893–4924. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Franklin Distributing, a Division of Franklin Chemical Industries, Inc., of Columbus, OH.

MC 147079 (Sub-3), filed February 10, 1981. Applicant: NATIONWIDE MAGAZINE & BOOK DISTRIBUTORS, INC., 3000 East Grauwyler Rd., Irving, TX 75061. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, 214–741–6263. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Nationwide Driver Service, Inc., of Irving, TX, and Straight Arrow Publishers, Inc., of New York, NY.

MC 148198 (Sub-4), filed February 10, 1981. Applicant: A. MATTEO TRUCKING, INC., 1465 Crown Point Rd., Verga, NJ 08093. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, 215–735–3090. Transporting *petroleum and petroleum products*, between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, NC, NJ, NY, PA, RI, VA, and WV.

MC 148828 (Sub-1), filed February 9, 1981. Applicant: JAMES J. NEVE, INC., Washington and Oak Sts., Box 301, Conshohocken, PA 19428. Representative: John E. Fullerton, 407 North Front St., Harrisburg, PA 17101, 717–236–9318. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in CT, DE, MA, MD, NC, NJ, NY, NH, OH, PA, RI, VT, VA, WV, and DC.

MC 149308 (Sub-10), filed February 9, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products*, between points in Jefferson County, KY, on the one hand, and, on the other, points in MD, NC, PA, and VA.

MC 151389, filed February 9, 1981. Applicant: T.R. & SONS TRUCKING, INC., Garfield and Third Aves., Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between New York, NY, Philadelphia, PA, points in Suffolk County, NY, and points in NJ.

MC 151819 (Sub-2), filed February 10, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *food and related products* between the facilities of Anderson Clayton Foods at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153169 (Sub-1), filed February 9, 1981. Applicant: BROWNETTE BROS. TRUCKING, INC., 7 Ridge Road, Rumson, NJ 07760. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with Pirelli Cable Corporation, of Union, NJ.

MC 154188, filed February 9, 1981. Applicant: M. SCHLESSINGER TRUCKING CO., INC., P.O. Box T, Glassport, PA 15045. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., Pittsburgh, PA 15219, (412) 461–3520. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Tygart Industries, of McKeesport, PA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8107 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

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).

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 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. OP4–66

Decided: March 11, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce and Jones.

MC 153606, filed January 13, 1981, previously published in the **Federal Register** issue of February 9, 1981, and republished this issue. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Francis W. McInerny, 1000 16th St., N.W. No. 502, Washington, D.C. 20036.Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA. (Hearing site: Washington, D.C.)

Note.—This application is directly related to MC–F 14549, and both are being republished to include them in the same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8105 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

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.

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 as named shipper "under contract".

Volume No. OP3–197

Decided: March 5, 1981.

By The Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 14215 (Sub-91), filed February 2, 1981, previously published in the **Federal Register** of February 25, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *metal articles*, between points in Philadelphia County, PA on the one hand, and, on the other, points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA.

Note.—This republication indicates the State Philadelphia County is located.

MC 146055 (Sub-15), filed February 3, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. 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 153295 (Sub-1), filed February 5, 1981. Applicant: BRONCO, INC., P.O. Box 11886, Lexington, KY 40578. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W., Suite 502, Solar Bldg., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. 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 section 49 U.S.C. 11343(a) of submit an affidavit indicating why such approval is unnecessary.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8103 Filed 3-16-81; 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 do not compute, (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. OP5–73

Decided: March 6, 1981.

By the Commission Review Board No. 3, members Krock, Joyce, and Jones.

MC 19778 (Sub-115), filed February 3, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 10800 Franklin Avenue, Franklin Park, IL 60131. Representative: Robert F. Munsell, (same address as applicant). Transporting *clay, concrete, glass or stone products*, between points in MT, WY, and SD, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, AND WI.

MC 44449 (Sub-5), filed February 5, 1981. Applicant: BLUEBIRD VAN & STORAGE CO., INC., N. 15 Grant, Spokane, WA 99202. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *furniture and fixtures* between points in the U.S., under continuing contract(s) with Spokane Shippers Cooperative Association, of Spokane, WA.

MC 98938 (Sub-6), filed January 30, 1981. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801. Representative: Mary E. Kelly, 22 Stearns Ave., Medford, MA 02155. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Boston, MA and Lewiston, ME, (a) from Boston over U.S. Hwy 1 to junction ME HWY 196, then over ME Hwy 196 to Lewiston and return over the same route, and (b) from Boston over U.S. Hwy 3 (also over MA Hwy 28) to junction MA Hwy 113, then over MA Hwy 113 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Portland, ME, then over ME Hwy 26 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Lewiston, and return over the same route, serving all intermediate points, and off-route points in York, Cumberland, Androscoggin and Sagadahoc Counties, ME.

MC 119908 (Sub-48), filed February 6, 1981. Applicant: WESTERN LINES, INC., 3523 North McCarty Drive, P.O. Box 1145, Houston, TX 77001. Representative: Wayne A. Premeaux (same address as applicant). Transporting *building materials* between points in Ellis County, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NM, NC, OK, SC, TN, and TX.

MC 128709 (Sub-12), filed February 5, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), serving Siloam Springs, AR on an off-route point in connection with applicant's existing regular route operations.

MC 138799 (Sub-1), filed February 6, 1981. Applicant: PENINSULA CHARTER LINES, INC., 160 Demeter St., East Palo Alto, CA 94303. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in San Mateo and Santa Clara Counties, CA, and extending to points in the U.S., including Alaska.

MC 143059 (Sub-163), filed February 3, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in the U.S.

MC 143509 (Sub-3), filed February 6, 1981. Applicant: ROY V. BRECKENRIDGE, d.b.a. BRECKENRIDGE TRUCKING, 6108 Denver Circle, Las Vegas, NV 89107. Representative: Leonard A. Jaskiewicz, 1730 M St., NW., Washington, D.C. 20036. Transporting *building materials* between points in CA, NV, and AZ.

MC 144688 (Sub-51), filed January 26, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145829 (Sub-27), 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 *chemicals and related products*, between points in the U.S., under continuing contract(s) with Texize, Division of Morton Norwich of Greenville, SC.

MC 147749 (Sub-2), filed November 21, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between the facilities of Champion International Corp., in the U.S. on the one hand, and, on the other, points in the U.S.

MC 150478 (Sub-1), filed February 3, 1981. Applicant: THE BREWER COMPANY, a corporation, P.O. Box 44098, 7374 Main St., Cincinnati, OH 45244. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 No. Meridian St., Indianapolis, IN 46204. Transporting *clay, concrete, glass or stone products*, between points in Dearborn County, IN, and Warren, Butler, and Hamilton Counties, OH, on the one hand, and, on the other, points in Hamilton, Clermont, Brown, and

Adams Counties, OH, Boone and Kenton Counties, KY, and Franklin, Dearborn, Ripley, Decatur, Rush, Jennings, Ohio, Switzerland, Bartholomew, Fayette, Shelby, Union, and Jefferson Counties, IN.

MC 151508 (Sub-1), filed January 22, 1981. Applicant: BARY, INC., 4515 Pinewood Rd., Louisville, KY 40218. Representative: Jack Bary, 1303 Blackwood Ct., Jeffersonville, IN 47130. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Murphy Manufacturing Co., Inc., of New Albany, IN.

MC 151708 (Sub-1), filed February 6, 1981. Applicant: M & B FREIGHT LINES, INC., 2012 Center St., Ashland, PA 17921. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740. Transporting *such commodities* as are used or dealt in by manufacturers of sound recordings, between points in the U.S., under continuing contract(s) with Capitol Records, Inc., of Bethlehem, PA.

MC 153789 (Sub-1), filed January 28, 1981. Applicant: MARYLAND TRANSPORT SYSTEMS, INC., P.O. Box 606, Elkton, MD 21921. Representative: Hubert D. Moye, P.O. Box 606, Elkton, MD 21921. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 153898 (Sub-1), filed February 6, 1981. Applicant: H & B TRUCKING, INC., P.O. Box 25723, Salt Lake City, UT 84125. Representative: Irene Ware, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *lumber and wood products*, (2) *building materials* (except those in (1)), (3) *petroleum, natural gas and their products*, and (4) *such commodities* as are dealt in or used by hardware stores, (except those in (1) and (2) above), between points in the U.S., under continuing contract(s) with Harrington & Company, of Salt Lake City, UT.

MC 154058, filed February 4, 1981. Applicant: SUNSHINE HOLIDAYS, INC., 2503–A Lebanon Ave., Belleville, IL 62221. Representative: Mike Frierdich, 132 South Rapp, Columbia, IL 62236. Authority to engage in operations, as a *broker*, at Belleville, IL, in arranging for transportation of *passengers and their baggage*, between points in IL, IN, MO, and KY, on the one hand, and, on the other, points in the U.S.

MC 154138, filed January 13, 1981. Applicant: A ROYAL MOVING & STORAGE, INC., 6810 Old Cheney Highway, Orlando, FL 32807. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *household goods* and *Transportation equipment*, between points in FL on the one hand, and, on the other, points in MS, AL, GA, SC, NC, TN, VA, MD, and DC.

MC 154169, filed February 6, 1981. Applicant: MARANNBAR, INC., P.O. Box 301, Foxboro, MA 02035. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NY and RI.

MC 154178, filed February 6, 1981. Applicant: MERIT BAKING COMPANY, P.O. Box 40, Boone, IA 50036. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *canned goods*, between points in Lamar County, TX, on the one hand, and, on the other, points in Boone County, IA

MC 154179, filed February 6, 1981. Applicant: MARIEVILLE TOWING & SERVICE, INC., 1132 Mineral Spring Ave., North Providence, RI 02904. Representative: Gerald A. Joselof, P.O. Box 3258, Hartford, CT 06103. Transporting *transportation equipment*, between points in Bristol County, MA, and RI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 154189, filed February 6, 1981. Applicant: WATKINS EXCAVATING COMPANY, INC., Rt. No. 3, Box 604, Harrison, IN 46204. Representative: Mr. Thomas Watkins (same address as applicant).Transporting (1) *construction equipment*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with The Highway Transportation Company, and Mafco Equipment Corporation, both of Cincinnati, OH.

MC 154298, filed February 6, 1981. Applicant: ACTION BUS, INC., P.O. Box 86, Briarcliff Manor, NY 10510. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, D. C. 20005. Authority to engage in operations as a *broker*, at points in Westchester County, NY, arranging transportation of *passengers and their baggage*, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-8102 Filed 3-16-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY5–8

Decided: March 5, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 339 (Sub-14), filed February 9, 1981. Applicant: LINCOLN MOVING & STORAGE CO., INC., 1071 Andover Park West, Seattle, WA 98188. Representative: Henry C. Winters, 525 Evergreen Bldg., 15 S. Grady Way, Renton, WA 98055, 206–235–4730. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 59098 (Sub-12), field February 9, 1981. Applicant: KNAPP'S EXPRESS, INC., 37 Emerson St., Ridgefield Park, NJ 07660. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 118789 (Sub-1), filed February 12, 1981. Applicant: MAIL DELIVERY SERVICE, INC., P.O. Box 473, Buffalo, NY 14240. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 126899 (Sub-139), filed February 9, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. 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 38999 (Sub-2), filed February 9, 1981. Applicant: FRED NARK and ROBERT NARK, d.b.a. NARK BROS., Box 336, Cobleskill, NY 12043. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 144219 (Sub-6), filed February 10, 1981. Applicant: B.I.T., INCORPORATED, P.O. Box 968, Reedley, CA 93654. Representative: Greg P. Stefflre, 261 South Figueroa St., Los Angeles, CA 90012, (213) 485–1081. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154358, filed February 10, 1981. Applicant: JAMES G. SHAW III, d.b.a. REFRIGERATED DISTRIBUTION SERVICES, 1218 South Allec Street, Anaheim, CA 92805. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. (1) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 United States. (2) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the United States. (3) To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the United States. (4) To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

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Decided: March 9, 1978.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 60612 (Sub-24), filed February 10, 1981. Applicant: TISCHLER EXPRESS, INC., 8408 Elliston Drive, Philadelphia, PA 19118. Representative: Ira G. Megdal, Esquire, 499 Cooper Landing Road, Cherry Hill, NJ 08002, (609) 667–6000. 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 77972 (Sub-39), filed March 4, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. 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 115273 (Sub-16), filed February 9, 1981. Applicant: ACME CARRIERS, INC., 216 Third St., Brooklyn, NY 11215. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. 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 124783 (Sub-18F), filed February 9, 1981. Applicant: KATO EXPRESS, INC., P.O. Box 291, Elizabethtown, KY 42701. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 125433 (Sub-460), filed February 10, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum, Jr. (same address as applicant), (801) 973–4242. Transporting *general commodities*, between Jordan, KY and Allenville, MO, 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.

MC 12843 (Sub-2), filed March 2, 1981. Applicant: PHILIP L. ALPERT MOVING & STORAGE CORPORATION, 68 Depot Road, Westhampton, NY 11977. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006, (202) 833–8884. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate

service on behalf of the Department of Defense, between points in the U.S.

MC 154413, filed February 13, 1981. Applicant: LOWER COLUMBIA FACTORS, INC., P.O. Box 61524, Vancouver, WA 98666. Representative: A. Daniel O'Neal, 1000 Potomac St., NW, Washington, DC 20007, (202) 965–6600 As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 154453, filed February 27, 1981. Applicant: AMERICAN LOCK & SECURITY SERVICE INC., d.b.a. NORTHEAST COURIER SERVICE, 875 Meadow St., Chicopee, MA 01013. Representative: Laurence L. Griffin, (same address as applicant), 413–593–3000. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (2) for or on behalf of the United States Government, *general commodities* (expect used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–8106 Filed 3–16–81; 8:45 am]

BILLING CODE 7035–01–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Continental Plaza Hotel, North Michigan at Delaware, Chicago, Illinois on April 14, 1981, beginning at 8:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Section 1242(a)(1)(B) and to discuss possible topics for inclusion on the syllabus for the Joint Board's examinations.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the Joint Board examination syllabus will commence at 11:00 a.m. and will last approximately one hour. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the syllabus by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length.

Any interested person also may file a written statement for consideration by the Committee by sending it to the Committee Management Officer. Statements should be mailed to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: March 12, 1981.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 81–8186 Filed 3–16–81; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF JUSTICE

Consent Decree in Action To Enforce Compliance With Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 Fed. Reg. 19029, notice is hereby given that a consent decree in *United States* v. *Sun Oil Company of Pennsylvania*, was lodged with the United States District Court for the Northern District of Illinois. The decree requires Sun Oil Company to comply with the applicable portion of the federally-approved Illinois State implementation plan and provides that Sun will pay a civil penalty in the amount of $2,500.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530 and should refer to *United States* v. *Sun Oil Company of Pennsylvania*, D.J. Ref. 90–5–2–1–354.

The consent decree may be examined at the office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, Room 1500 South, 219 S. Dearborn Street, Chicago, Illinois 60604, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–8130 Filed 3–16–81; 8:45 am]

BILLING CODE 4410–01–M

Proposed Consent Judgment to Enjoin Discharge of Air Pollutants

In accordance with Department Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *Bridesburg Civic Council* v. *Philadelphia Coke Co.*, Civic Action No. 79–426, 79–1193 has been lodged with the District Court for the Eastern District of Pennsylvania. The proposed decree requires the defendant to comply with the Clean Air Act at its coke plant in the city of Philadelphia. In particular, the decree requires Philadelphia Coke Co. to install a pushing emission control system at its plant.

The Department of Justice will receive written comments relating to the proposed judgment until April 16, 1981. Comments should be addressed to the Deputy Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to D.J. Ref. No. 90–5–2–1–161.

The proposed decree may be examined at the Office of the United States Attorney, United States Courthouse, Philadelphia, Pennsylvania, at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. All requests for copies should be accompanied by a

check or a money order made out for $2.00 to the Treasurer of the United States in order to cover the reproduction costs.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8129 Filed 3-16-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-17-C]

Frally Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Frally Coal Company, 123 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Tracy Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this antracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed, it would be activated on knuckles and curves, when no emergency existed, causing a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which has a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 16, 1981. Copies of the petition are available for inspection at that address.

Dated: March 5, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-8185 Filed 3-16-81; 8:45 am]

BILLING CODE 3510-43-M

Occupational Safety and Health Administration

Iowa State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, notice was published in the **Federal Register** (38 FR 19368) of the approval of the Iowa plan and the adoption of Subpart J to Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal standards as State standards (by reference or after comments and public hearing). Section 1952.163 of Subpart J sets forth the State's schedule for the adoption of Federal standards. By letter dated November 29, 1978, from Walter Johnson, Deputy Commissioner of Labor, to Vernon A. Strahm, Regional Administrator for Occupational Safety and Health Administration and incorporated as part of the plan, the State submitted State standards comparable to 1) 29 CFR 1910.401, 402, 410, 411, 420, 421, 422, 423, 424, 425, 426, 427, 430, 440, and 441 as published in **Federal Register** (42 FR 37668) dated July 22, 1977; 2) 29 CFR 1910.1044 as published in **Federal Register** (43 FR 11527) dated March 17, 1978; 3) 29 CFR 1910.19(e), 1910.1000, and 1910.1018 as published in **Federal Register** (43 FR 19624) dated May 5, 1978; 4) 29 CFR 1910.1046(a) as published in **Federal Register** (43 FR 27434) dated June 23, 1978; 5) 29 CFR 1910.19(f), 1910.1000, and 1910.1043 as published in **Federal Register** (43 FR 2743) dated June 23, 1978; 6) 29 CFR 1910.1018, 1910.19, 1910.1043, and 1910.1046 as published in **Federal Register** (43 FR 28472-28473) dated June 30, 1978; 7) 29 CFR 1910.20 as published in **Federal Register** (43 FR 31330) dated July 21, 1978; 8) Miscellaneous Corrections as published in **Federal Register** (43 FR 53032) dated August 8, 1978; 9) 29 CFR 1926.605(e) as published in **Federal Register** (43 FR 37668) dated July 22, 1977; 10) 29 CFR 1928.21(b) as published in **Federal Register** (42 FR 37668) dated July 22, 1977; 11) 29 CFR 1928.21(b) as published in **Federal Register** (42 FR 38569) dated July 29, 1977; 12) 29 CFR 1928.21(a)(5) as published in **Federal Register** (43 FR 27463) dated June 23, 1978; 13) 29 CFR 1928.21 and 1928.113 as published in **Federal Register** (43 FR 28474) dated June 30, 1978; 14) Miscellaneous Corrections as published in **Federal Register** (43 FR 35036) dated August 8, 1978. These standards, which are contained in Chapter 88 of the Code of Iowa (1975), were promulgated after public comment requested on September 1, 1978, hearings held on October 25, 1978, resolution adopted by Iowa Bureau of Labor on November 3, 1978, pursuant to chapter 17a of the Code. The standards will be effective on January 18, 1978, and were published by the State on November 29, 1978.

2. *Decisions.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations:

Office of the Associate Assistant Secretary for Regional Programs, OSHA, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210

Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, NW., Washington, D.C. 20210;

Office of the Regional Administrator, OSHA, Room 3000 Federal Office Building, 911 Walnut Stret, Kansas City, Missouri 64106

Iowa Bureau of Labor, 307 E. Seventh Street, Second Floor, Des Moines, Iowa 50319

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 17, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Kansas City, Missouri this 6th day of November 1980.

Vernon A. Strahm,

Regional Administrator.

[FR Doc. 81-8179 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Application No. D-1632]

Proposed Exemption for Certain Transactions; Involving the Hastings Construction Co., Inc.; Profit Sharing Plan; Hastings, Minnesota

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption will exempt for a period of three years the proposed sales by the Hastings Construction Co., Inc. (the Employer), the sponsor of the Hastings Construction Co., Inc. Profit Sharing Plan (the Plan) of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan. The proposed exemption will also exempt the guarantee of the obligation of the Employer, by Paul W. Lawrence (Lawrence), his wife and Donald W. Gustafson, (Gustafson), all parties in interest with respect to the Plan. The proposed exemption, if granted, would affect the Employer, Lawrence, his wife, Gustafson and participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 27, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. D-1632. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (e) of the Code. The proposed exemption was requested in an application filed by Lawrence and Gustafson, the trustees (the Trustees) of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applications.

1. The Plan is a profit sharing plan with six participants. As of March 31, 1980, the Plan had net assets of $2,038,252. Lawrence and Gustafson each own 50% of the stock of the Employer.

2. The Employer purchases undeveloped real estate, sub-divides the same, constructs homes on the real estate and obtains mortgages thereon. The Employer then sells the homes to purchasers under a contract for deed or a residential first mortgage loan. A contract for deed is a contract whereby the owner in fee simple absolute (the Vendor), or the Vendor's assignee agrees by contract to convey to the buyer (Vendee) by a warranty deed, accompanied by an abstract of title or torrens certificate showing good and marketable title in the Vendor, the fee simple title to the premises upon the payment by the Vendee of the principal and interest due from the Vendee to the Vendor under the contract for deed. A residential first mortgage loan may be a conventional, FHA or VA loan. The Employer is requesting an exemption for a three-year period to sell the above described Contracts to the Plan for a cash purchase price of the lesser of the Employer's cost or the market value of the Contract. If the Employer receives any premium or additional consideration in connection with such Contracts, such premium will be passed along to the Plan. The Employer will receive no financial benefit from any Contract sold to the Plan. The proposed exemption would also exempt the guarantee of the obligation of the Employer by Lawrence, his wife and Gustafson in such transactions.

3. The Contracts that the Employer is proposing to sell to the Plan are not seasoned in the sense that they have not been in existence for any period of time. The proposed transactions would involve new construction by the Employer. In making residential loans and reviewing residential loan applications, the Employer will follow the Federal National Mortgage Association (FNMA) guidelines. The factors influencing acceptability would include the credit record and financial statements of the loan applicant, the ratio between expenses to be assumed as a result of the loan and the stabilized income of the applicant, verification of employment,the age and condition of the property offered as security (determined by inspection), the value of the security and the ratio of the loan sought to the value of the security. The Plan will not purchase any Contract where the loan to value ratio exceeds 85% and any Contract where the Plan does not have the first interest in the property underlying the Contract.

4. The Plan will not purchase any Contract which upon its purchase would put the value of all Contracts owned by the Plan at 50% or more of the current

value of the assets of the Plan. No more than 10% of assets of the Plan will be invested in any one Contract and the Plan will not purchase more than one Contract from any mortgagor or Vendee. All Contracts purchased by the Plan will meet all FNMA underwriting criteria. Also, there will be an appraisal of the underlying security by an FNMA approved independent appraiser prior to any purchase of a Contract by the Plan. In addition, the purchaser of the property will be required to maintain casualty insurance on the property subject to the Contract at all times during the term of the Contract.

5. Prior to any purchase by the Plan of the Employer's interest in a Contract, a party unrelated to the Plan or the Employer, Mr. Francis Poepl (Poepl), president of the Vermillion State Bank in Vermillion, Minnesota, will determine whether each such transaction is a suitable investment for the Plan and that the terms of the proposed transactions are at least as favorable to the Plan as those which the Plan could receive in the same type of transaction with an unrelated party. No Contract will be purchased by the Plan in which the annual return to the Plan is less than 12%. Poepl will also supervise the servicing of all transactions. The Employer will service the Contracts at no cost to the Plan.

6. The Employer, Lawrence, his wife and Gustafson jointly and severally guarantee as follows:

To repurchase, at the higher of the Plan's cost or the current market value, any Contract with accrued interest more than three months delinquent in payments at any time during the life of the Contract. If the Employer has not purchased the Contract with the accrued interest within ten days of the Contract being three months in arrears in payments, Lawrence, his wife or Gustafson shall do so within ten days thereafter.

7. As of June 30, 1979, the Employer had net assets of $2,349,376. As of September 30, 1979, Lawrence represents that he and his wife together had over $8,000,000 of assets in excess of liabilities. As of December 31, 1979, Gustafson represents that he and his wife had over $2,500,000 of assets in excess of liabilities. Mr. and Mrs. Paul W. Lawrence, simultaneously with the time period of this proposed exemption, may be guaranteeing contracts (the same type as the Contracts) of the Paul W. Lawrence Construction Co., Inc. Profit Sharing Plan (the Lawrence Plan) in an amount of up to 50% of the dollar value of the net assets of such plan. As of June 30, 1979, the Lawrence Plan had net assets of $245,062.

8. The three-year period for the exemption would begin on the date the grant of an exemption for the proposed transactions appears in the **Federal Register.**

9. In summary, the applicants represent the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act as follows: (1) the Trustees represent that the proposed transactions are in the best interests of the Plan; (2) the proposed transactions will be approved and monitored by an independent party; (3) the exemption will be a temporary exemption for three years; (4) the purchase by the Plan of the Contracts will result in a high rate of return for the Plan; (5) the Plan will receive corporate and personal guarantees; and (6) the dollar amount of all the Contracts at the time of their being placed in the Plan will be limited to 50% of the assets of the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

A copy of the notice of pendency within ten days of its publication in the **Federal Register** and a statement advising participants and beneficiaries of the Plan of their right to comment or request a hearing within the appropriate time will be hand delivered to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale by the Employer of its interests in the Contracts to the Plan as described herein and for the guarantee of the obligation of the Employer by Lawrence, his wife and Gustafson.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

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

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8161 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-22; Exemption Application No. D-815]

Bernhard Associates Co., Inc., Dallas, Tex.; Exemption From Prohibitions for Certain Transactions Involving Employees Profit-Sharing Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the leasing of real property (the Property) by the Employees Profit-Sharing Plan of Bernhard Associates Company, Inc. (the Plan) to Bernhard Associates Company, Inc. (the Employer). The lease was entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

EFFECTIVE DATES: This exemption is effective from January 1, 1975 until March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2422) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted soley by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1) (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the tranaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to leasing by the Plan to the Employer of the Property, located at 2550 Manana, Dallas, Texas, for the period from January 1, 1975 through March 31, 1980, and the use by the Employer of the uncovered storage areas on another parcel to the rear of the Property for that same period, provided the rental payments were not less than fair rental value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

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

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8111 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-23; Exemption Application No. D-1654 and D-1655]

Smith & Schnacke Retirement Plan, Part A; Smith & Schnacke Retirement Plan, Part B; Dayton, Ohio; Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the loan of money (the Loan) by the Smith & Schnacke Retirement Plan, Part A and the Smith & Schnacke Retirement Plan, Part B, (collectively, the Plans), to Smith & Schnacke (the Employer), the sponsor of the Plans.

FOR FURTHER INFORMATION CONTACT: Mr. Louis Campagna of the Office of Fiduciary Standards, Pension an Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2430) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transactions described in an application filed by the Employer and the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was furnished by January 16, 1981, to interested persons in compliance with the requirements to notify interested persons as set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Loan of a certain sum of money as described in the notice of proposed exemption by the Plans to the Employer provided that the terms of the Loan are at least as favorable to the Plans as the Plans could obtain in a transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

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

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-8112 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-9499]

Alongi Oldsmobile, Inc.; Niagara Falls, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 21, 1980 in response to a petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at Alongi Oldsmobile, Incorporated, Niagara Falls, New York. The workers sell and service

automobiles, light duty trucks and utility vehicles.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall*, 608 F. 2d 525 (1st Cir. 1979). However, such workers may be certified if their separations from employment were caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The investigation revealed that General Motors Corporation owns a majority of the stock of Alongi Oldsmobile, Incorporated. Therefore, within the meaning of Section 222 (3) of the Trade Act of 1974, the Department was able to consider the employees of the dealership as being employees of a firm (General Motors) which produces articles.

Alongi Oldsmobile, Incorporated is engaged primarily in the selling and servicing of Oldsmobile cars. Sales of import-impacted models accounted for a significant proportion of total new vehicle sales at Alongi Oldsmobile, Incorporated in 1979 and the first half of 1980. The decline in the sale of import-impacted car lines accounted for nearly all of the decline in new vehicle sales and total sales by the firm in the first half of 1980 compared to the same period in 1979. During the course of investigations covering 16 GM assembly plants it was determined that GM's production of various mid-size, standard and luxury/specialty cars was adversely affected by increasing imports of like or directly competitive vehicles (TA–W–6873, 6999, 7000, 7015–16, 7071, 7073–76, 7078–81, 8613 and 9570).

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Oldsmobile mid-size, standard and luxury/specialty cars produced by General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of Alongi Oldsmobile, Incorporated. In accordance with the provisions of the Act, I make the following certification:

All workers of Alongi Oldsmobile, Incorporated, Niagara Falls, New York who became totally or partially separated from employment on or after July 11, 1979 and before December 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of March 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-8168 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8716]

Bernel Foam Products Co., Buffalo, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Bernel Foam Products Company, Buffalo, New York. The workers produce urethane foam blocks and a variety of foam products for both automotive and non-automotive uses.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Bernel Foam Products Company, Buffalo, New York. Although imported automobiles incorporate foam padding and foam cushions, imports of the whole product are not like or directly competitive with their component parts. Imports of foam padding and foam cushions must be considered in determining import injury to workers producing foam padding and foam cushions.

Sales of foam toys, air conditioner filters, packaging material, mattresses, and chair and seat cushions increased from 1978 to 1979 and during the first half of 1980 compared to the same period in 1979.

U.S. imports of urethane foam account for a negligible proportion of the domestic market for urethane foam.

The Department surveyed the subject firm's major customers purchasing seat cushions, dashboard padding and foam gaskets. Responding customers accounted for a majority of Bernel's decline in sales of each of these three products. Automobile seat cushion customers which increased purchases of imported seat cushions also increased their purchases from domestic sources. None of the responding customers increased purchases of imported dashboard padding and none of the respondents purchased imported foam gaskets.

Conclusion

After careful review, I determine that all workers of the Bernel Foam Products Company, Buffalo, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of March 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-8169 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,038]

Boise Cascade Corp.; Aberdeen Sawmill, Aberdeen, Wash.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on September 22, 1980 in response to a petition which was filed on behalf of workers at the Aberdeen Sawmill of Boise Cascade Corporation, Aberdeen, Washington. Workers at the plant produce rough-cut "green" lumber and a limited amount of special-order timbers and railroad ties.

The investigation revealed that criterion (3) has not been met.

The predominant portion of the lumber produced at the Aberdeen Sawmill of Boise Cascade Corporation is sold to the Yakima facility of Boise Cascade for use in the production of softwood lumber and plywood.

The Yakima Sawmill of Boise Cascade Corporation's sales of lumber and plywood are primarily destined for the home construction industry in the southwest region of the United States.

The decline in production and employment at the mill during late 1979 and 1980 coincided with a sharp downturn in domestic housing starts which began in late 1979 and has continued through the first three quarters of 1980. According to U.S. Department of Commerce statistics, new housing starts declined by about 14 percent in 1979 compared to 1978, and by 32 percent in the first three quarters of 1980 compared to the same period of 1979.

Imports of softwood lumber declined absolutely in 1979 compared to 1978, and declined both absolutely and relative to domestic production in the first three quarters of 1980 compared to the same period of 1979. Imports relative to domestic production remained stable from 1978 to 1979.

Imports of softwood plywood are negligible. The ratio of imports to domestic production was less than 0.2 percent in the 1977 to 1980 period.

Conclusion

After careful review, I determine that all workers of the Aberdeen Sawmill of Boise Cascade Corporation, Aberdeen, Washington are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of March 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-8170 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 27, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 27, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Apex Handbags, Division, Otta Industries, Inc. (International Leather Goods).	Weehawken, N.J	2/24/81	2/5/81	TA-W-12,336	Ladies' handbags.
Atlantic Sportswear (workers)	East Rockaway, N.J	2/24/81	2/16/81	TA-W-12,337	Ladies' raincoats and all weather coats.
Campbell Plastics (workers)	Schenectady, N.Y	2/24/81	2/14/81	TA-W-12,338	Stripping and trim for inside and outside of automobiles.
Doland Steel Co. (USWA)	Bridgeport, Conn	2/24/81	2/17/81	TA-W-12,339	Galvanized steel.
Essex Group, Power Conductor Div. (IBEW)	Marion, Ind	2/20/81	2/14/81	TA-W-12,340	Insulated electrical wire.
Herd Seeder Co., Inc. (workers)	Logansport, Ind	2/24/81	2/18/81	TA-W-12,341	Manufacture seeders.
I.S.G. Extrusion Toolings, Inc. (IAM&AW)	Troy, Mich	2/20/81	2/12/81	TA-W-12,342	Toolings for the extrusion industry.
North Shore Shake (workers)	Hoquiam, Wash	2/24/81	2/20/81	TA-W-12,343	Hand split and resawn cedar shakes.
Rondaico Industries, Inc. (workers)	New York, N.Y	2/24/81	2/20/81	TA-W-12,344	Ladies' dresses, suits and sportswear.
White Engines, Inc. (workers)	Canton, Ohio	2/24/81	2/21/81	TA-W-12,345	4 and 6 cylinder engines.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Crescent Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,346	Men's sweaters.
Fashion Maid Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,347	Men's, boy's, and ladies' sweaters.
GOLD-EE Fashions, Inc. (company)	New York, N.Y	2/24/81	2/16/81	TA-W-12,348	Blouses.
Intersystems Designers Technology (workers)	Goose Creek, S.C	2/24/81	2/16/81	TA-W-12,349	Insulating natural gas ball used in ships.
Intersystems Designers Technology (workers)	Summerville, S.C	2/24/81	2/16/81	TA-W-12,350	Manufacturer insulation.
London Knitting Co., Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,351	Men's, boys', and ladies' sweaters.
Queen Casuals, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,352	Women's sportswear.
Robert Bruce (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,353	Men's, boy's sweaters and swimwear.
Somerset Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,354	Men's sweaters.
Soptra Fabric (UAW)	New York, NY	2/20/81	2/17/81	TA-W-12, 355	Textile converter.
Wilshir Knitting Mills, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,356	Ladies' and men's sweaters.
Brentwood Sportswear, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,357	Men's sweaters.
Chrysler Corp., Trenton Engine Plant (workers)	Trenton, Mich	2/4/81	1/27/81	TA-W-12,358	4 and 6 cylinder engines.
Clover Knitting Mills (ILGWU)	Philadelphia, Pa	2/24/81	2/20/81	TA-W-12,359	Men's, boy's, and ladies' sweaters and shirts.
D' Seidmann's & Sons, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,360	Knitted headwear.
Laconia Shoe Co., Inc. (workers)	Laconia, N.H	2/20/81	2/10/81	TA-W-12,361	Dress shoes.
Leather Sports, Inc. (workers)	New York, N.Y	12/22/80	12/16/80	TA-W-12,362	Ladies' skirts, jackets, and pants.
Maxwell House Div. of General Foods (ILA)	Hoboken, N.J	2/20/81	2/17/81	TA-W-12,363	Coffee.
Sheldon Machine Co., Inc. (manufacturing plant) (workers).	Skokie, Ill	2/20/81	2/9/81	TA-W-12,364	CNC machining centers and CNC lathes.
Sheldon Machine Co., Inc. (main office and assembly plant) (workers).	Chicago, Ill	2/20/81	2/9/81	TA-W-12,365	CNC machining centers and CNC lathes assembly.
Sturbridge, Inc. (ILGWU)	Philadelphia, Pa	2/24/81	2/18/81	TA-W-12,366	Men's sweaters.
American Can Co., Geneva Machine Shop (IAMAW)	Geneva, N.Y	2/27/81	2/20/81	TA-W-12,367	Can making equipment.
Automatic Feed Co. (workers)	Napoleon, Ohio	2/25/81	2/20/81	TA-W-12,268	Coil handling and feeding used by automotive industry.
J.P. Stevens & Co., Inc. (workers)	Taylors, SC	2/25/81	2/19/81	TA-W-12,369	Carpets for autos, floormats, door covers.
K.T. Plaso, Inc. (workers)	Leominster, Mass	2/25/81	2/13/81	TA-W-12,370	Shoe sole components.
Musgrove Milling (workers)	Olympia, Wash	2/25/81	2/18/81	TA-W-12,371	Lodging and hauling of lumber, saw mills.
P.P.G. Industries, Works No. 26 (workers)	Crestline, Ohio	2/27/81	2/24/81	TA-W-12,372	Automotive windows.
Ritus Rubber Corp. (AIW)	Milwaukee, Wis	2/27/81	2/23/81	TA-W-12,373	Custom rubber molded parts and automobile parts.
Thyssen Metal Service (workers)	Oak Park, Mich	2/27/81	2/22/81	TA-W-12, 374	Processing steel.
Uniroyal, Inc. (URW)	Opelika, Ala	2/20/81	2/17/81	TA-W-12,375	Tires
Washburn Wire Products, Inc. (company)	New York, N.Y	2/20/81	2/9/81	TA-W-12,376	Various types of steel wire and steel cables.

[FR Doc. 81-8171 Filed 3-16-81; 8:45 am]

BILLING CODE 4510-28

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-24]

NASA Advisory Council (NAC); Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

NAME OF COMMITTEE: NAC Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Materials Processing in Space.

DATE AND TIME: April 3, 1981; 9:00 a.m.–4:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226A, Federal Building 10B, 600 Independence Avenue SW, Washington, D.C. 20546.

TYPE OF MEETING: Open.

AGENDA:

April 3, 1981

9:00 a.m.–Chairperson's Remarks
9:30 a.m.—Status of the Materials Research Society Meeting
10:00 a.m.—Status of the Space Materials Systems
10:30 a.m.—Status of Office of Management and Budget (OMB) Request for a New Scientific and Technical Aspects of Materials Processing in Space (STAMPS) Review
12:30 p.m.—Impact of Current Space Transportation System Schedule and Budget Changes on the Program
1:30 p.m.—Status of Unsolicited Proposals
2:30 p.m.—Summary and Recommendations
4:00 p.m.—Adjourn.

FOR FURTHER INFORMATION CONTACT:

Dr. William A. Oran, National Aeronautics and Space Administration, Code EM-7, Washington, DC 20546 (202/755-8610).

SUPPLEMENTARY INFORMATION: This Subcommittee, comprised of six members of the NAC Space and Terrestrial Applications Advisory Committee, including the Chairperson, Dr. Martin E. Glicksman, reviews status and plans of the NASA Materials Processing in Space Programs. Members of the public will be admitted to the meeting on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the room is 35 persons.

Frank J. Simokaitis,

Acting Associate Administrator for External Relations.

March 10, 1981.

[FR Doc. 81-8066 Filed 3-16-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-25]

Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee: Renewal

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(b)(1) of the Federal Advisory Committee Act, Pub. L. 92-463, and after consultation with the General Services Administration, the National Aeronautics and Space Administration has determined that renewal of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee, is in the public interest and in connection with the performance of duties imposed upon NASA by law.

FOR FURTHER INFORMATION CONTACT:

Dr. Edward A. Flinn, National Aeronautics and Space Administration, Code ERG-2, Washington, DC 20546, (202/755-3848).

SUPPLEMENTARY INFORMATION: The Space and Terrestrial Applications Steering Committee, under which the subcommittee operates, is a NASA internal committee composed of senior management officials in the Office of Space and Terrestrial Applications.

The intent of this advisory subcommittee is to obtain the advice of the scientific community in evaluating research and investigations proposals for inclusion in NASA's Space and Terrestrial Applications Programs.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

March 6, 1981.

[FR Doc. 81-8007 Filed 3-16-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

NSF Advisory Council Steering Committee; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Steering Committee of the NSF Advisory Council
Place: Room 536, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550
Date: Monday, March 30, 1981
Time: 9:00 a.m. till 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550 Telephone: 202/357-9433
Purpose of steering committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: To review with cognizant NSF staff the issues being studied by the four task groups and other issues of general concern.
Reason for late notice: Because of budgetary limitations, the decision to hold the scheduled meeting was just made.

Dated: March 11, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-8082 Filed 3-16-81; 8:45 am]

BILLING CODE 7555-01-M

NSF Advisory Council; Task Group No. 16; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #16 of the NSF Advisory Council
Place: Rm. 523, National Science Foundation, 1800 G Street N.W., Washington, D.C. 20550
Date: Friday, March 27, 1981
Time: 9:00 a.m. till 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street N.W., Washington, D.C. 20550. Telephone: 202/357-9433
Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to examine the role of rotators with the NSF to (a) examine how they can be used most effectively, (b) suggest ways to avoid conflicts of interest, and (c) explore new and innovative ways of using rotators.
Reason for late notice: Because of budgetary limitations, decision to hold the scheduled meeting was just made.

Dated: March 11, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-8081 Filed 3-16-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Meteorological Factors of Emergency Preparedness; Nuclear Power Reactors; Functional Criteria for Emergency Response Facilities; Meetings

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meetings.

SUMMARY: The NRC staff has developed guidance for acceptable methods for considering meteorological factors and for providing emergency response facilities needed to implement the plans for coping with radiological emergencies. The staff will hold three meetings to present, explain, and discuss this guidance.

DATE AND LOCATIONS:

May 5—Holiday Inn—City Line—US 1 & I 76 City Ave. Exit, Philadelphia, PA.

May 6—Holiday Inn—Glen Ellyn—1250 Roosevelt Rd., Glen Ellyn, IL.

May 8—Stadium Hotel—450 Capitol Ave. S.E., Atlanta, GA.

FOR FURTHER INFORMATION CONTACT:

Mr. Steve L. Ramos, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, (Phone: 301/492-9700).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission, in upgrading its emergency planning regulations to assure that adequate protective measures can and will be taken in the event of a radiological emergency, approved on July 23, 1980, final rule amendments to 10 CFR Part 50 and Appendix E. The final rule was published in the **Federal Register** on August 19, 1980 (45 FR 55402) and became effective on November 3, 1980.

A. In consideration of emergency preparedness, a series of planning standards were outlined in 10 CFR 50.47; this dictates that the onsite and offsite emergency response plans for nuclear power reactors must ensure that "(A) dequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use." Meterorological measurements and dose assessment programs at unclear power reactor sites address this standard in part.

The staff has developed a number of documents outlining guidance that is being implemented at operating plants under construction. The documents which present the criteria and some clarification of the meteorological programs for emergency preparedness considerations includes: NUREG-0654, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants"; NUREG-0737, "Clarification of TMI Action Plan Requirements"; NUREG-0696, "Functional Criteria for Emergency Reponse Facilities"; proposed Revision 1 to Regulatory Guide 1.23, "Meterological programs in Support of Nuclear Power Plans"; and Regulatory Guide 1.97, Revision 2, "Instrumentation of Light-Water-Cooled Nuclear Power Plants to Assess Plant and Envirions Conditions During and Following an Accident".

The staff, partly on the basis of licensee/applicant submittals, has determined that ths guidance should be consolidated and the requirements should be explained in more detail.

B. The Commission has recently approved for publication NUREG-0696, "Functional Criteria for Emergency Response Facilities". The draft version of this report was published in July 1980, and issued for public comment on August 15, 1980 (45 FR 54708). Regional meetings were held in August 1980, to discuss the guidance developed for an acceptable method for providing the emergency response facilities needed to implement the plans for coping with emergencies that are required by 10 CFR 50.34 and Appendix E to 10 CFR Part 50. The criteria have been revised considering the comments received.

In view of the substantive changes that were made in NUREG–0696, the staff has determined that it is appropriate to review the guidance set forth in the final report.

The primary purpose of this meeting is (1) to consolidate guidance on meteorological programs relating to emergency preparedness; (2) outline an acceptable schedule and the regulatory approach for implementing the programs; (3) provide a brief description of ongoing NRC activities pertinent to the meteorological considerations in emergency preparedness. In a related area, the criteria document (NUREG–0696) for emergency response facilities was recently published; the staff will take the opportunity to review the final report.

This meeting is intended for licensee/applicants and their representatives; persons other than the NRC staff and licensee representatives will be permitted to participate only as time will allow. Questions of generic interest to all participants may be entertained; site-specific questions will not, however, licensee/applicants are encouraged to meet with the staff to resolve outstanding issues.

An agenda and schedule for the meeting has been prepared:

Agenda for Meteorological Factors of Emergency Preparedness and Emergency Response Facilities Meeting

A. Meteorological Factors Session (8:30–11:30)

Introduction:
- Purpose and Scope of the Meeting
- Background Discussions
- Emergency Preparedness Overview
- Meteorology Overview

Regulatory Approach
Ongoing Activities

B. Emergency Response Facilities Session (1:30–3:30)

Introduction
Emergency Response Facilities (ERF)
Location and Habitability of ERFs
Data Acquisition System Integration and Reliability

Dated at Bethesda, Md., this 10th day of March 1981.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Director, Division of Emergency Preparedness, Office of Inspection and Enforcement.

[FR Doc. 81-8114 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric and Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station, Unit 1); Order Setting Final Prehearing Conference

March 10, 1981.

Please take notice that a final prehearing conference under 10 CFR 2.752 has been scheduled for 9:30 a.m. on April 7, 1981 at the Richland County Judicial Center, Courtroom 2–A, 1701 Mail Street, Columbia, South Carolina 29202. The purpose of the conference is to discuss all of the matters specified in § 2.752.

The parties or their counsel are directed to attend. No limited appearance statements will be heard at the conference.

The parties are requested to file by March 31, 1981, their suggestions, if any, with regard to all actions to be taken by the Board.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-8123 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259 OLA, 50-260 OLA, 50-296 OLA]

Tennessee Valley Authority, (Browns Ferry Nuclear Plant Unit Nos. 1, 2 and 3); Order Setting Special Prehearing Conference

March 10, 1981.

In the matter of onsite storage of radwaste.

On December 11, 1980, the Nuclear Regulatory Commission published in the **Federal Register** a Notice of Consideration of Amendments to Facility Operating Licenses DPR–33, DPR–52 and DPR–68, issued to Tennessee Valley Authority (Licensee), for Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. 45 FR 81697. The proposed amendments would authorize the Licensee to store onsite the low level radioactive waste generated by the facility for a period of five years.

The notice provided that the Licensee might file a request for a hearing and that any peron whose interest might be affected by the proceeding and who wished to participate as a party in the proceeding must file a written petition for leave to intervene by January 12, 1981 in accordance with 10 CFR 2.714. By that date, six identical petitions were filed,* each signed by from three to five petitioners, listed alphabetically as follows: Noel M. Beck, Robert W. Beck, Gregory Robert Brough, Alice N. Colcock, David R. Curott, Uvonna J. Curott, David Ely, Hollis Fenn, Richard L. Freeman, Marjorie L. Hall, Debbie Havas, Rebecca Hudgins, Richard W. Jobe, John Martin, Betty Martin, Nancy Muse, Thomas Wayne Paul, Michael D. Pierson and Tom Thornton.

By reply dated January 27, 1981, Licensee sought denial of the petitions for leave to intervene on the grounds that petitioners lacked standing because they had no possible interests that could be affected by the proposed amendment of licenses. By responses dated January 28, 1981 (to the first five petitions received) and February 23, 1981 (to the missing sixth petition discussed in the footnote, *supra*), the Staff conceded petitioners' interest to intervene but denied that petitioners had met the "aspects" requirement of 10 CFR 2.714 or had yet raised the litigable contention within the scope of the proceeding that are necessary prerequisites to granting a petition to intervene and issuing a Notice of Hearing. The Staff noted, however, that 10 CFR 2.714(a)(3) permits the amendment of a petition without approval of the presiding officer at any time up to fifteen (15) days prior to the holding of the special prehearing conference and that § 2.714(b) permits the filing of a supplement to the petition containing a list of contentions by that same deadline, so as to afford petitioners an opportunity to satisfy the aspect and contention requirements.

An Atomic Safety and Licensing Board was designated to rule upon interventions and requests for hearing, and to preside over the proceeding in the event that a hearing is ordered. The Board is comprised of the following Administrative Judges: Mrs. Elizabeth Johnson, Dr. Quentin J. Stober and Herbert Grossman, Esquire, who will act as Chairman. 46 Fed. Reg. 10579 (February 3, 1981).

Pursuant to the provisions of 10 CFR 2.751(a), the Board will conduct a special prehearing conference beginning

*A petition filed by Hollis Fenn, Rebecca Hudgins and Tom Thornton was not received until after the Staff had responded to five of the petitions on January 28, 1981. Apparently after noticing that the sixth petition was not referred to in the Staff response, a copy of the sixth petition was forwarded by petitioners to the NRC. In a follow-up telephone call placed by the NRC Staff, petitioner Hollis Fenn indicated that his original petition had been mailed at the same time as the other five petitions.

The Board has no reason to question Mr. Fenn's representation, and will treat all six petitions as timely filed.

at 9:30 a.m. on April 10, 1981 at the Huntsville Public Library, 108 Fountain Circle, Huntsville, Alabama 35804. All prospective parties to this proceeding, or their respective counsel, are directed to attend. At the special prehearing conference, the participants should be prepared to discuss petitioners' standing to intervene, specific issues that might be considered at an evidentiary hearing, and possible further scheduling in the proceeding.

Petitioners shall file supplements to their petitions not later than fifteen days prior to the special prehearing conference, which shall include a list of specific contentions sought to be litigated in this proceeding. Licensee and Staff are requested to file any responses to the supplemented petitions by April 7, 1981 and deliver copies to the Board on that date.

The public is invited to attend the special prehearing conference. No oral limited appearance statements will be permitted at this conference. If a hearing is granted, opportunity to present limited appearance statements will be afforded at subsequent conferences or evidentiary hearings near the site of the facility. Written limited appearance statements may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or submitted at any conferences or sessions of the evidentiary hearing.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-8122 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located in Windham County, Vermont. The amendment is effective as of the date of issuance.

These changes to the Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor Augmentation, (5) Integrity of Systems Outside Containment and (6) Iodine Monitoring.

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 the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any signficant 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 the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 12, 1980, as supplemented January 5, 1981, (2) Amendment No. 63 to License No. DPR-28 and (3) the Commission's related Saftey Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Steet, Brattleboro, Vermont 05301. 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 2nd day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-8124 Filed 3-16-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Committee on Private Voluntary Agency Eligibility

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Personnel Management announces the following meeting:

Name: Committee on Private Voluntary Agency Eligibility.

Date and Time: March 26, 1981, 10:00 A.M.

Place: Office of Personnel Management, 1900 E Street, N.W., Washington, D.C.

Room: Auditorium—GJ-14 (Ground floor).

Type of Meeting: Open. Any interested person may file a written statement with the Committee in advance of or at the meeting.

Contact Person: Nelda A. Perkins, Office of the Assistant to the Director, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415. Telephone: 202-632-5564.

Purpose of Committee: To make recommendations to the Director of the Office of Personnel Management regarding eligibility of national voluntary agencies to participate in the Federal fundraising program.

Agenda: Completion of review of applications for fund-raising privileges which have been submitted by voluntary organizations to the Office of Personnel Management in accordance with the Federal Fund-Raising Manual on which action was deferred by the Committee at its February 27, 1981, meeting.

Joseph S. Patti,

Assistant to the Director.

[FR Doc. 81-8074 Filed 3-16-81; 8:45 am]

BILLING CODE 6325-01-M

POSTAL RATE COMMISSION

[Docket No. A81-1; Order No.; 369]

Dalton, Arkansas 72423 (Rodney W. Moore, Petitioner); Order of Filing of Appeal

Issued: March 10, 1981.

On March 3, 1981, the Commission received a letter from Rodney W. Moore (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the Dalton, Arkansas post office. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

"ensure that such persons will have an opportunity to present their views."[4] The petition requests that the decision to close the Dalton post office be reversed. From the face of the petition it is unclear whether any hearings were held and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(c) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determined whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service adequately consider the Dalton community identity, as described by Petitioner, in conformance with the "effect on community" standard of section 404(b)(2)(A)?

2. Whether the Postal Service considered the change the closing would cause in the community's use of the postal services under the effect on postal service factor, section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issue described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make the request therefore by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[8] and none is being appointed. The Commission orders that

(A) The letter of March 3, 1981 from Rodney W. Moore be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before March 18, 1981, pursuant to the Commission's rules of practice [39 CFR 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

March 3, 1981—Filing of Petition
March 10, 1981—Notice and Order of Filing of Appeal
March 18, 1981—Filing of record by Postal Service [*see* 39 CFR 3001.113(a)].
March 23, 1981—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
April 2, 1981—Petitioner's initial brief [*see* 39 CFR 3001.115(a)].
April 17, 1981—Postal Service answering brief [*see* 39 CFR 3001.115(b).
May 4, 1981—(1) Petitioner's reply brief, should petitioner choose to file such brief [*see* 39 CFR 3001.115(c)]. (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
July 1, 1980—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 81-8094 Filed 3-16-81; 8:45 am]
BILLING CODE 7715-01-M

[Docket No. MC76-5]

Mail Classification Schedule, 1976; Conference

March 10, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Scheduling Conference", dated March 10, 1981, the next conference in Docket No. MC76-5 is scheduled to be held on March 19, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 81-8095 Filed 3-16-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 10, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission purusant to Section 12(f)(1)(B) of the

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[4] 39 U.S.C. 404(b)(1).

[5] CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079-85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

California Real Estate Investment Trust, Shares of Beneficial Interest, $1 Par Value (File No. 7-5869)
Callahan Mining Corp., Common Stock, $1 Par Value (File No. 7-5870)
Community Psychiatric Centers, Common Stock, $5 Par Value (File No. 7-5871)
Cooper Industries Inc., Common Stock, $5 Par Value (File No. 7-5872)
First Pennsylvania Mortgage Trust, Shares of Benefical Interest, $1 Par Value (File No. 7-5873)
Grainger (W.W.), Inc., Common Stock, $1 Par Value (File No. 7-5874)
Towle Manufacturing Co., Common Stock, No Par Value (File No. 7-5875)
United Merchants & Manufacturers, Inc., Common Stock, $1 Par Value (File No. 7-5876)
Wometco Enterprises, Inc., Class A Common Stock, $1 Par Value (File No. 7-5877)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8064 Filed 3-16-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 747]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its February 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: March 6, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Thirty-Second Session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO), London, February 23-27, 1981

Representative

Keith B. Schumacher, Captain, USCG, Chief, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Kevin J. Eldridge, Lieutenant, USCG, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation
John F. Simmons, Jr., Shipping Attache, American Embassy, London
Allan A. Weltz, Cargo and Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisers

Michael T. Bohlman, Sea-Land Services, Inc., Elizabeth, New Jersey
Donald W. Gates, National Cargo Bureau, Inc., New York, New York
Duane Greenquist, Hoover Universal, Inc., Beatrice, Nebraska

United States Delegation to the Industry Committee Ad Hoc Working Party on Pulp and Paper Organization for Economic Cooperation and Development (OECD) Paris, February 16-17, 1981

Representative

Raymond Lombardi, United States Mission to the OECD, Paris

Private Sector Adviser

Irene Meister, Vice President—International, American Paper Institute, New York, New York

United States Delegation to the Twenty-Fourth Session of the Harmonized Systems Committee of the Customs Cooperation Council (CCC), Brussels, February 9-27, 1981

Representative

Paul G. Giguere, Deputy Director, Classification and Value Division, U.S. Customs Service, Department of the Treasury

Alternate Representative

Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission

Advisers

Sterling J. Nicholson, Bureau of the Census, Department of Commerce
Dennis C. Sequeira, Customs Attache, U.S. Missions to the European Communities, Brussels
Dale O. Torrence, Senior Attorney (Customs), U.S. Customs Service, Department of the Treasury

Private Sector Adviser

Irene W. Meister, Vice President, International, American Paper Institute, Inc., New York, N.Y.

United States Delegation to the Group of Rapporteurs on Pollution and Energy of the Economic Commission for Europe, Geneva, February 9-12, 1981

Representative

Merrill Korth, Motor Vehicle Emission Test Laboratory, Environmental Protection Agency

Private Sector Advisor

Alfred Carey, Jr., Cummins Engine Company, Columbus, Indiana

United States Delegation to the Fifth Meeting of the Dangerous Goods Panel, International Civil Aviation Organization (ICAO), Montreal, January 27-February 12, 1981

Member

Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation

Adviser

James J. Given, Technical and Cargo Security Division, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Paul A. Beach, Chairman, Hazardous Material Committee, Air Line Pilots Association, Washington, D.C.
Frank J. Black, Manager, Cargo Services, Air Transport Association, Washington, D.C.

[FR Doc. 81-8131 Filed 3-16-81; 8:45 am]

BILLING CODE 4710-19-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-48]

American Machine & Tool Co., Inc.; Application for Recordation of Trade Name

On November 13, 1980, there was published in the **Federal Register** (45 FR 75046) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "AMERICAN MACHINE & TOOL CO., INC." The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19

CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later thana 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "AMERICAN MACHINE & TOOL CO., INC." is hereby recordee as the trade name of American Machine & Tool Co., Inc., a corporation organized under the laws of the State of Pennsylvania, located at Fourth Avenue and Spring Street, Royersford, Pennsylvania 19468, when applied to power tools, manufactured in the United States.

Dated: March 9, 1981.

Salvatore E. Caramagno,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-8132 Filed 3-16-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Public Debt Series No. 7-81]

Treasury Notes of March 31, 1983; Series P-1983

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of the United States securities, designated Treasury Notes of March 31, 1983, Series P-1983 (CUSIP No. 912827 LR 1). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated March 31, 1981, and will bear interest from that date, payable on a semiannual basis on September 30, 1981, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revene Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure desposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, an $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupons, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, March 18, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 17, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectable checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expresssed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount

limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to instituted investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, March 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for [securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-8301 Filed 3-13-81; 3:35 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 51
Tuesday, March 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: February 12, 1981, and subsequent dates; see below.

LOCATION: Eighth floor conference room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: CPSC Budget.

ADDITIONAL INFORMATION: On February 12, 1981, the Commission voted to hold a meeting to consider matters related to CPSC's budget for Fiscal Year 1982. At this meeting, all four Commissioners voted to close this and subsequent meetings on this matter until March 13, 1981, under exemption 9 (possible significant frustration of agency action). In addition, the Commission voted that agency business required holding this meeting without the normal seven-day notice.

By unanimous vote (4–0) the Commission made a similar finding and waived the notice requirement for the following meetings on CPSC's budget, which were also closed under exemption 9:

February 23, 1981,
February 25, 1981,
March 3, 1981,
March 6, 1981, and
March 10, 1981.

FOR ADDITIONAL INFORMATION, CONTACT: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street, NW., Washington, D.C. 20207, telephone: (202) 634–7700.

[S-419-81 Filed 3-13-81; 10:49 am]

BILLING CODE 6355-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 3 p.m., March 23, 1981.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Proposed Move of the Federal Home Loan Bank of Little to the Dallas SMSA.

No. 460, March 13, 1981.

[S-420-81 Filed 3-13-81; 11:41 am]

BILLING CODE 6720-01-M

3

[USITC SE-81-6]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, March 23, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 337–TA–82 (Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof)—briefing and vote.
6. Investigation 731–TA–38 [Preliminary] (Truck Trailer Axle-and-Brake Assemblies from Hungary)—briefing and vote.
7. Investigation 751–TA–3 (Potassium Chloride from Canada)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-422-81 Filed 3-13-81; 2:27 pm]

BILLING CODE 7020-02-M

4

[USITC ERB-81-1]

INTERNATIONAL TRADE COMMISSION.

Executive Resources Board (ERB)

TIME AND DATE: 10 a.m., Wednesday, March 25, 1981.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c) (2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b) (2) and (6), Commissioners Calhoun and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

Old Business

a. SES Manpower Planning—
   1. Status of Director of Economics' position.
   2. Status of long-range plans submitted to OPM.

b. Evaluations—
   1. Report on OPM evaluation of SES Program.
   2. Report on agency evaluation of SES Policy.

Commissioner Bedell voted to hold the meeting in open session.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-421-81 Filed 3-13-81; 2:26 p.m.]

BILLING CODE 7020-02-M

5

U.S. RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., March 21, 1981.

PLACE: 955 L'Enfant Plaza North, SW., board room 2–500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.
2. Litigation report.
3. Review of Delaware and Hudson financial and proprietary information.

Portions open to the public (9:30 a.m.):

4. Approval of minutes of the Board's March 4 and March 5, 1981 meetings.
5. Election of Conrail Board of Directors.

6. Consideration of Conrail drawdown request.
7. Consideration of Conrail second quarter investment commitment request.
8. Consideration of 211(h) loan rollover.
9. Consideration of Delaware and Hudson drawdown request.
10. Contract Actions (extensions and approvals).

Portions closed to the public:

11. Review of Conrail financial and proprietary information and discussion of the Association's report to Congress required by the Staggers Rail Act of 1980.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 426–4250.

[S–423–81 Filed 3–13–81; 2:28 pm]

BILLING CODE 8240–01–M

6

U.S. RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., March 22, 1981.

PLACE: 955 L'Enfant Plaza North SW., Board Room 2–500, fifth floor, Washington, D.C.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portion closed to the public (9 a.m.):

1. Review of Conrail financial and proprietary information and discussion of the Association's report to Congress required by the Staggers Rail Act of 1980.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426–4250.

[S–423–81 Filed 3–13–81; 3:43 pm]

BILLING CODE 8240–01–M

federal register

Tuesday
March 17, 1981

Part II

Office of Management and Budget

Circular A-122, "Cost Principles for Nonprofit Organizations"; Corrections

Part II

Office of Management and Budget

OFFICE OF MANAGEMENT AND BUDGET

Circular A-122, "Cost Principles for Nonprofit Organizations"; Correction

AGENCY: Office of Management and Budget.

ACTION: Final policy correction.

SUMMARY: This notice corrects errors in the printing of cost principles for nonprofit organizations. (45 FR 46022, July 8, 1980).

FOR FURTHER INFORMATION CONTACT: Palmer Marcantonio, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503, (202) 395-4773.

- *Page 46022, column 2* the second Paragraph 1, change Paragraph 5 "Compensation for Personnel Services" to Paragraph 6.
- *Page 46022, column 2* the second Paragraph 2, change Paragraph 6 "Contingencies" to Paragraph 7.
- *Page 46022, column 3:* Paragraph 4, change Paragraph 31, "Equipment and Other Capital Expenditures" to Paragraph 13.
- Paragraph 5, change Paragraph 26 "Meetings" to Paragraph 24.
- Paragraph 6, change Paragraph 27, "Organization Costs" to Paragraph 26.
- Paragraph 7, change Paragraph 30 "Page charges in Professtional Journals" to Paragraph 28.
- Paragraph 8, change paragraph 37 "Public Information Service Costs" to Paragraph 36.
- Paragraph 9, change Paragraph 43 "Rental Costs" to Paragraph 42.
- Paragraph 9a: in the fourth line, add "up" between the words "only" and "to"; in the sixth line change "they" to "it".
- Paragraph 10, change Paragraph 51 "Travel Costs" to Paragraph 50.
- *Page 46024, column 3* Paragraph 4(a)(2) after "benefits received" add "; or".
- *Page 46025, column 1* Paragraph B3, change the reference "Paragraph 21 of Attachment B" to "Paragraph 19 of Attachment B."
- *Page 46026, column 1* Paragraph 4a.iii, in the sixth line, change "direct cost" to "direct costs."
- *Page 46026, column 2* Paragraph E1e, change "establishment of a rate" to "establishment of a final rate."
- *Page 46026, column 3* Paragraph E2b, in the third line add the following after "a Federal agency shall"—"submit its initial indirect cost proposal immediately."
- *Page 46027, column 3* Paragraph (3)(a), change "workmen's compensation" to "workers' compensation."
- *Page 46028, column 1* Paragraph 6f3(b), (the second line of column 1) change "Workmen's compensation" to "workers' compensation."
- *Page 46030, column 3,* paragraph 24b., the sixth line, change "allowable" to "allowability".

Daniel F. Mann,

Budget and Management Officer.

[FR Doc. 81-8073 Filed 3-16-81; 8:45 am]

BILLING CODE 3110-01-M

Circular A-122, "Cost Principles for Nonprofit Organizations"

Correction

In FR Doc. 81-20270, appearing at page 46022 in the issue of Tuesday, July 8, 1980, the following changes should be made:

1. On page 46024, column three, the second sentence in paragraph A.5.b. should read, "Specifically, the concept of netting such credit items against related expenditures should be applied by the organization in determining the rates or amounts to be charged to Federal awards for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds."

2. On page 46024, column three, the second complete sentence in paragraph A.6. should read, "This is particularly true in connection with organizations that receive a preponderance of their support from Federal agencies."

3. On page 46025, column one, paragraph B.2. should read, "2. Any direct cost of a minor amount may be treated as an indirect cost for reasons of practicality where the accounting treatment for such cost is consistently applied to all final cost objectives."

4. On page 46025, column one, paragraph B.4.f. should read, "f. Administration of group benefits on behalf of members or clients including life and hospital insurance, annuity or retirement plans, financial aid, etc."

5. On page 46025, column two, the first sentence in paragraph D.1.e. should read, "The base period for the allocation of indirect costs is the period in which such costs are incurred and accumulated for allocation to work performed in that period."

6. On page 46026, column one, the second sentence in paragraph D.3.d should read, "The costs in the common pool shall then be distributed to individual awards included in that function by use of a single indirect cost rate."

7. On page 46026, column one, the first sentence in paragraph D.3.e. should read, "The distribution based used in computing the indirect cost rate for each function may be total direct costs (excluding capital expenditures and other distorting items such as major subcontracts and subgrants), direct salaries and wages, or other base which results in an equitable distribution."

8. On page 46026, column one, the first and second sentences in paragraph D.4.a. should read, "Some nonprofit organizations treat all costs as direct costs except general administration and general expenses. These organizations generally separate their costs into three basic categories: * * *."

9. On page 46026, the last sentence in column one (extending to column two), in paragraph D.5. should read, "The factors may include the physical location of the work, the level of administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof."

10. On page 46026, column three, paragraph E.2.i. should read, "i. To the extent that problems are encountered * among the Federal agencies in connection with the negotiation and approval process, the Office of Management and Budget will lend assistance as required to resolve such problems in a timely manner."

11. On page 46030, column one, the introductory text of paragraph 16.b. and paragraph 16.b.(1) should read, "b. The costs of idle facilities are unallowable except to the extent that: (1) They are necessary to meet fluctuations in workloads; or".

12. On page 46030, column one, the second sentence in paragraph 16.c. should read, "Such costs are allowable, provided the capacity is reasonably anticipated to be necessary or was originally reasonable and is not subject to reduction or elimination by subletting, renting, or sale, in accordance with sound business, economics or security practices."

13. On page 46031, second column, paragraph 34.c. should read, "In addition to the factors in paragraph b. above, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered."

BILLING CODE 1505-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

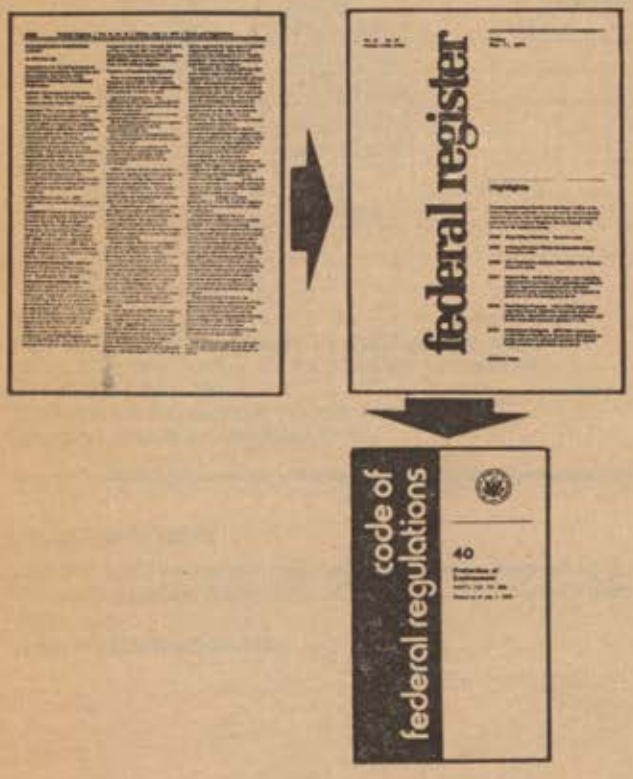
Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing February 19, 1981



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